

**JOURNAL**  
OF THE  
**SENATE**  
OF THE  
**STATE OF ALABAMA**  
**REGULAR SESSION**  
**OF 1978**

HELD IN THE CITY OF MONTGOMERY  
COMMENCING WEDNESDAY, APRIL 5, 1978



**VOL. 2**  
WITH AN INDEX PREPARED BY THE  
SECRETARY OF THE SENATE

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# CONTENT

To facilitate research in the *Senate Journal*, the following information is included at the end for your convenience.

1. List of registered lobbyists, with lobby group affiliation;
  2. Legislative roster, listing names and addresses of all members of the current Legislature by district;
  3. A listing of legislative days, with calendar dates and pages on which each day begins;
  4. A topic index of general bills listed alphabetically by subject matter;
  5. A topic index of local bills listed alphabetically by counties;
  6. A topic index of resolutions;
  7. A miscellaneous index, including all items not categorized as bills or resolutions;
  8. A sponsor index, listing all Senate bills and resolutions alphabetically by author;
  9. A Senate bill numerical index, with short titles; and
  10. A House bill numerical index.
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**TWENTY-FIFTH LEGISLATIVE DAY**

**WEDNESDAY, APRIL 5, 1978**

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

**PRAYER**

The Session was opened with prayer by the Reverend Robert L. Norton, Pastor, Perry Hill Road Baptist Church, Montgomery, Alabama.

**ROLL CALL**

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—33

**JOURNAL**

On motion of Mr. Clemon, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

U. W. CLEMON,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. Clemon, the foregoing report was concurred in and the Journal of the Senate for the Twenty-fourth Legislative Day was approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. Clemon, leave of absence was granted Messrs. Jones and McDonald (S) for today.

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S.R. 431.

The following bills shall be the paramount and continuing order of business for the 25th legislative day only, upon reaching bills on third reading, taking precedence thereafter over all other business for said day:

| Bill No.  | Page | Description                       |
|-----------|------|-----------------------------------|
| H. B. 119 | 72   | Cost of living increase           |
| H. B. 854 | 114  | Publication of Poll Lists         |
| S. B. 223 | 40   | Industrial Revenue Bonds          |
| S. B. 171 | 38   | Notification of Drivers Lic. Exp. |
| S. B. 318 | 35   | National Guard                    |
| H. B. 87  | 103  | Probate Judges                    |
| H. B. 143 | 126  | Retirement                        |
| S. B. 162 | 57   | Personalized Motor Vehicle Plates |
| S. B. 453 | 80   | Highway Department                |
| S. B. 741 | 132  | Board of Corrections              |
| S. B. 454 | 82   | Highway Department                |
| S. B. 455 | 83   | Highway Department                |
| S. B. 456 | 83   | Highway Department                |
| S. B. 457 | 84   | Highway Department                |
| S. B. 200 | 7    | Investment Committee              |
| S. B. 67  | 12   | Treasurer's Disclosure            |
| S. B. 553 | 104  | Real Estate Recovery Fund         |
| S. B. 301 | 10   | Banking Holding Company           |
| S. B. 478 | 100  | Annexation of Cities              |
| S. B. 112 | 90   | Department of Public Safety       |
| S. B. 586 | 117  | Chattahoochee Commission          |

|           |     |                        |
|-----------|-----|------------------------|
| S. B. 31  | 99  | Energy Conservation    |
| S. B. 644 | 119 | Tenth Judicial Circuit |
| S. B. 645 | 120 | Tenth Judicial Circuit |

The Following shall be the paramount and continuing order of business for the 26th legislative day only, upon reaching bills on third reading, taking precedence thereafter over all other business for said day:

| Bill No. | Page | Description |
|----------|------|-------------|
| S. 759   |      | TVA Funds   |

On motion of Mr. Clemon, said Resolution was adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 158. To name the administration building at George C. Wallace State Community College at Hanceville, Cullman County, Alabama, "The Harlan G. Allen Building."

Also:

H. 547. Relating to Morgan County; to permit banks now or hereafter situated in Morgan County to establish, maintain or operate branch banks and branch offices within the corporate limits of Trinity, Alabama for the conduct of a general banking and trust business; and to repeal conflicting laws.

Also:

H. 548. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Decatur in Morgan County.

Also:

H. 642. To alter or rearrange the boundary lines of the Town of Grimes, Dale County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

Also:

H. 732. To provide an expense allowance for the District Judge of Shelby County.

Also:

H. 810. To repeal Act No. 50, H. 91, 1977 First Special Session (Acts of 1977, p. 1472), entitled "An Act Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for the members of the county commission.

Also:

H. 811. Relating to Chambers County; to provide additional compensation for the members of the county commission.

Also:

H. 867. Relating to Dale County; to amend Act 553, H. 1296, 1977 Regular Session (Acts of 1977, p. 744) so as to allow certain employees continued employment.

Also:

H. 896. Relating to Russell County, to provide further for the salary of the sheriff and to repeal conflicting laws.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 467. CONGRATULATING MR. AND MRS. HINTON WATERS ON THEIR GOLDEN WEDDING ANNIVERSARY.

Also:

H. J. R. 520. HONORING DAVE CAMPBELL, BIRMINGHAM RADIO PERSONALITY.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Gafford, McCorquodale, Sasser, White, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Glass,

Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Langford, Lee, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Thomas, Towns, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Weeks, Whatley, Williams, Wyatt, Younce:

H. J. R. 571. COMMENDING ALVIN FOX, JR. FOR OUTSTANDING ACHIEVEMENT.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Vacca, the Rules were suspended and the Resolution, H. J. R. 571, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 392. NAMING THE BRIDGE ON U.S. HIGHWAY 10 OVER FOSTER'S BRANCH IN COMMEMORATION OF GLENN MOODY.

On motion of Mr. Fine, said Resolution was then concurred in and adopted by the Senate.

### RESOLUTIONS

Mr. Baker offered the following Senate Resolution, to-wit:

S. R. 432. RESOLVED BY THE SENATE OF ALABAMA, That the Honorable Chief Justice and Associate Justices of the Supreme Court of Alabama, or a majority of them, are respectfully requested to give this body their written opinions concerning the following important constitutional question which has arisen in connection with the pending measure, S. B. 759, which is attached hereto and made a part hereof:

Does Senate Bill 759 violate Section 70 of the Constitution of Alabama which provides that revenue raising bills shall originate in the House of Representatives?

RESOLVED FURTHER, That the Secretary of the Senate is directed to send nine true copies of S. B. 759 forthwith to the Clerk of the Supreme Court.

On motion of Mr. Baker, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Shelby offered the following Senate Joint Resolution, to-wit:

**S. J. R. 433. COMMENDING FREDERICK HOWARD DAVIS, SR., ON HIS MANY CONTRIBUTIONS TO THE STATE OF ALABAMA.**

WHEREAS, Frederick Howard Davis, Sr., was born on May 22, 1916, at Wrightsville, Johnson County, Georgia, the son of John Thomas and Bessie Brown Davis, and is a descendant of colonial settlers of Virginia; and

WHEREAS, he was educated in the public schools of Wrightsville, Georgia, studied law and was admitted to the Georgia bar in 1940; and

WHEREAS, Mr. Davis' outstanding thirty-eight years in public service have included: Councilman of Wrightsville, Georgia, 1940-1942; elected Mayor of the City of Brent, Alabama, in 1960; delegate at large to the National Democratic Convention in 1960; member of the House of Representatives from Bibb County from 1962-1966; Judge of Probate of Bibb County 1971-1975; and

WHEREAS, Mr. Davis was a distinguished member of the Alabama Legislature and during his term was the advocate for legislation improving and progressing the causes of teachers and students, law enforcement, mental health, senior citizens, conservation, public safety and farm-to-market roads; and

WHEREAS, House Bill Number 7 which resulted in free textbooks was named by the Alabama Legislature "The Davis, Nichols, and Goodwin Bill," in recognition of his untiring efforts in getting this important legislation enacted; and

WHEREAS, this great leader's legislative accomplishments for the betterment of the citizens of this state are too numerous to list herein; and

WHEREAS, Mr. Davis has used his business acumen to secure many industries for Bibb County which industries have contributed immeasurably to the economic stability of the county; and

WHEREAS, when the City of Brent, Alabama, was destroyed by a tornado on May 27, 1973, with unselfish dedication and efficient coordination by Mr. Davis, the Alabama National Guard, the Salvation Army and the Red Cross restored the vital services to the City of Brent within twenty-four hours and his solicitous aid and support of the victims of tragic losses were exemplary; and

WHEREAS, Mr. Davis is active in many charitable and civic organizations including: The Alabama Aging Committee, the T.B. Association, American Legion Post #128, Veterans of Foreign Wars, the Elks Club, the Moose Club, the Civitans, Shriners, Masons and the Lions Club; and

WHEREAS, Mr. Frederick Howard Davis has been honored by many organizations for his selfless dedication in working for the betterment of his fellow man; and

WHEREAS, Frederick Howard Davis, Sr., is married to the lovely Robena Belcher Davis and they are the parents of four daughters and three sons; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING,** That we do commend Mr. Frederick Howard Davis, Sr., for his many outstanding contributions to the citizens of this great state and we do thank him for his tireless dedication in working for the improvement of his community and state.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Davis as but a token of our esteem.

On motion of Mr. Shelby, the Rules were suspended and the Resolution was adopted by the Senate.

#### FURTHER CONSIDERATION OF H. B. 400

The Senate proceeded to further consideration of the Message from the House (set out in the Journal of the Senate for the Twenty-third Legislative Day), containing the request of the House for a Conference Committee on the disagreement of the two Houses on the Senate amendment to the Bill:

H. 400. Proposing an amendment to further amend Article XI, Section 217, of the Constitution of Alabama 1901 relative to ad valorem taxation; further providing for the assessment of taxable property and the levy of such tax.

The question was on the motion of Mr. Owen that the Senate accede to the request of the House for a Conference Committee.

On motion of Mr. Baker, further consideration of said motion was postponed until the next Legislative Day.

#### REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Merrill (With Substitute) (With Amendments):

H. 244. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, and for interest on the public debt and for the public schools for the fiscal year beginning October 1, 1978.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. McDonald (A) and Fine:

S. 749. To provide further for the compensation of the members of the several county boards of equalization in this state by authorizing the several county governing bodies to provide certain county salary supplements for such members.

By Mr. Peden:

S. 759. To provide for the annual distribution to certain counties, municipalities and public agencies of a percentage of the amount paid to the state by federal agencies in lieu of ad valorem taxes; and to repeal conflicting laws.

By Mr. Baker:

S. 760. To propose an amendment to the Constitution of Alabama to provide a single retirement system for all public officers and employees.

The above Bill was read a second time at length as required by the Constitution.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Peden (With Substitute) (With Amendment):

S. 783. To appropriate two hundred fifty million dollars (\$250,000,000) from the Alabama Special Educational Trust Fund, over a designated period, for capital improvements for public educational purposes, including libraries, laboratories and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, for colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide how said monies shall be spent by the state board of education and the Alabama Commission on Higher Education.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McCluskey, et al:

H. 147. To amend Section 2 of Act 281, H. 295, Special Session, 1966 (Code of Alabama, 1975, Section 16-33-4), which is the Alabama Educational Benefits for Dependents of Blind Parents Act, so as to increase the amount of family income allowed in a family where the head of the household is blind for dependents to be eligible for educational benefits at institutions of higher learning.

By Mr. Merrill:

H. 541. To name the International House at Jacksonville State University "The Clarence W. Daugette, Jr. House."

By Messrs. Johnson and Robertson:

H. 841. To amend Sections 16-17-7, 16-17-16 and 16-17-19 of the Code of Alabama 1975, so as to provide for further powers of the Board of Directors of the Authority; to provide additional instructions relating to payment of earning of the Authority; to provide for a determination as to when and where title shall vest after full payment of certain bonds; and to provide for retroactive effect.

Mr. Mims, Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:



By Mr. Mims:

S. 540. To require each county to provide for the taking up and impounding of livestock running at large upon public roads and highways; and to repeal conflicting laws including Act No. 822 of the 1951 Legislature (Regular Session).

By Mr. Fine:

S. 678. To amend Section 7-9-401 of the 1975 Code of Alabama so as to provide that farm equipment and other related goods be filed in the office of the secretary of state in order to perfect a security interest in such goods.

By Messrs. Powell, Fine, King, Mims, McDonald (A), Perry, Waldrop, Peden, Proctor, Shelby, Teague, Stewart, Foshee and Bank:

S. 706. To amend Section 40-9-1, Code of Alabama, 1975, by adding a new subsection (22) exempting land used to produce food, feed or cotton from ad valorem taxation.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Pearson (with notice and proof):

S. 686. Relating to Jefferson County; to provide further for the compensation of constables in said county.

By Messrs. Vacca, McMillan, Clemon, Pearson, Wilson, Ellis, Gilmore and Proctor:

S. 687. Proposing an amendment to the Constitution of 1901, as amended, so as to create the office of Assistant Judge of Probate of Jefferson County; prescribing the qualifications, duties and benefits for such office.

The above Bill was read a second time at length as required by the Constitution.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Vacca, McMillan, Proctor, Gilmore, Ellis, Wilson and Clemon (with notice and proof) (With Substitute):

S. 718. To provide for an Assistant Judge of Probate of Jefferson County and to prescribe the qualifications, duties and benefits of such Assistant Judge of Probate.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Ellis (with notice and proof):

S. 729. To authorize and provide for the incorporation in Jefferson County of public corporations for the purpose of promoting the industrial

development of the county and municipalities therein and particularly the development and commercial use of the inland waterways in such county through the acquisition and preparation of suitable wharves, docks, warehouses, and other port and related facilities, including roads, railroads, pipelines, conveyors, and facilities suitable for use as manufacturing plants, industrial plants, and leasing or letting such buildings, structures, or facilities; to provide for the appointment and compensation of directors of any such authority; to provide for the powers, authorities and duties of any such authority and its board of directors; specifically to authorize any such authority to acquire, construct, operate, improve and finance wharves, docks, warehouses, and other port and related facilities, and specifically to apply to the United States Foreign Trade Zones Board for permission to establish, operate and maintain a foreign trade zone and, if such permission is granted, then to establish, operate and maintain such a foreign trade zone; to confer on such authority the power of eminent domain; to provide for the issuance by any such authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of the revenues of any facilities or other property of such authority, without regard to the facilities or property with respect to which such securities may have been issued; to provide that such securities shall constitute negotiable instruments; to regulate and provide further for the issuance of, security for (including the pledge of certain revenues and properties to the payment thereof), and use of the proceeds of such securities; to provide for refunding of such securities; to provide that such securities issued and contracts entered into by any such authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any port facilities or other property to any such authority; to exempt the property and income of any such authority, all securities issued by such authority and the income from such securities, and all conveyances, leases, mortgages and deeds of trust to which such authority is a party, from all taxation in the state, including license and excise taxes, levied by any county, municipality, or political subdivision of the state; to exempt such authority from payment of certain charges to judges of probate; to exempt every authority from certain tort liability; and to provide that certain employees of such authority shall be subject to and covered by any merit or civil service system applicable to the employees of the county and municipality by which the incorporation of the authority was authorized if there is such a system applicable to the employees of both the city and county, and, if there is no such system, then to either the county or municipal system, which the authority selects; and to provide for the dissolution of any such authority and the disposition of its property.

By Messrs. Gilmore, Vacca, Proctor and Ellis (with notice and proof):

S. 743. Relating to Jefferson County; authorizing all incorporated municipalities within said county to grant certain municipal ad valorem tax exemptions for up to fifteen years to owner-developers who build new commercial or industrial facilities on previously improved real property within the corporate limits of any such municipality located in said county; providing that such owner-developers receiving such exemptions shall, however, pay abatement property taxes assessed on not less than the highest value at which said property was assessed at anytime within five years prior to the

grant of exemptions, and to provide for the procedures to be followed in the granting of such exemptions and in the determination of the amount of such abatement property taxes.

Mr Noonan, Chairman of the Standing Committee on Seaports and Inland Waterways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Noonan:

S. 215. To amend Section 2 of Act No. 474, H. 202, of the 1961 Regular Session of the Legislature of Alabama entitled "An Act providing for the relocation of utility facilities when necessitated by Federal-aid highway system projects; providing for the payment of the costs of such relocations by the State as highway construction costs upon Federal participation and Federal funds being actually collected by the State, prescribing the authority of the State Highway Director in regard thereto; providing for the method of paying or reimbursing said utilities; and repealing all conflicting laws."

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Owen (with notice and proof):

S. 757. To provide certain county salary supplements for all district judges serving within the Twenty-Eighth judicial circuit of this state and to provide for retroactive effect.

By Mr. Owen (with notice and proof):

S. 764. Relating to Baldwin County; to provide for the compensation and allowances of the directors of certain utility boards heretofore or hereafter established in the county; and to make the provisions of this Act retroactive to January 1, 1978.

By Mr. Fine (with notice and proof):

S. 774. Relating to Marion County, to authorize and require the county board of education to provide the superintendent of education an annual expense allowance; to provide retroactive effect; and to repeal conflicting laws.

By Mr. Riddick (with notice and proof):

H. 138. Relating to the practice of barbering in Madison County, Alabama; providing for the establishment of a County Board of Barber Examiners; providing further for the authority and duties of such board with respect to the licensing of barbers, barbers' apprentices, schools of barbering and owners and instructors thereof; providing for the appointment, terms and compensation of the members of such board; prescribing qualifications and fees of licensing of such board; prescribing qualifications and fees of licensing of such board; providing rules and regulations and providing for the adoption by the board of rules and regulations; and declaring that the public health requires the necessity of the enactment of such provisions of law.

By Mr. Merrill (with notice and proof):

H. 947. To validate certain payments made to the registrar of Calhoun

County pursuant to Act 194, 1967 Regular Session (Acts of 1967, p. 241) which were made from the effective date of the 1970 federal census to January 15, 1977.

By Messrs. Merrill, Quarles, Holmes (D), and Shelton (with notice and proof):

H. 981. Relating to Calhoun County; to increase the mileage compensation paid to individuals by the county commission.

By Messrs. Merrill, Quarles, Holmes (D), and Shelton (with notice and proof):

H. 982. Relating to Calhoun County; to authorize the county commission to allocate county funds to assist rural fire departments.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Morris (with notice and proof) (With Amendment):

H. 1013. Relating to Tallapoosa County; to amend Section 1 of Act No. 487, S. 628, Regular Session 1969 (Acts of 1969, p. 948), entitled "Relating to Tallapoosa County; to regulate further the compensation and expense allowances of members of the county governing body", so as to increase the salary of the members of the county commission.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Barron and Harris (with notice and proof):

H. 502. To alter, rearrange, extend and fix the boundaries and limits of the City of Montgomery, Alabama; to provide for the assessment of ad valorem taxes in the property added when certain named services are provided; to require the County of Montgomery, Alabama, to maintain streets and roads in such added areas until same is assessed for ad valorem taxes by the City of Montgomery; to require that the provisions hereof shall become effective on January 1, 1980 and only upon approval of the electors of the County residing outside of the territory proposed to be annexed voting at a special referendum election held as hereinafter provided and further only upon approval of the electors residing within the territory proposed to be annexed voting by three separate areas, as hereinafter set out in full, at a special referendum election held as hereinafter provided; if at the said special referendum election the electors of the county residing outside of the territory proposed to be annexed vote in favor of annexation and if the electors residing in any one of the said three areas proposed to be annexed vote in favor of annexation then as to such area and only as to such area the provisions hereof shall become effective on the said effective date, and provided further that if the electors residing in any one of the three areas proposed to be annexed vote against annexation regardless of the result of the referendum election held in the county outside of the territory proposed to be annexed then the provisions hereof shall have no further force and effect as to such area voting against annexation; to authorize the City of Montgomery to pay for the expenses of the election and to require the Probate Judge of Montgomery County to conduct the election after due notice thereof as herein

provided; to require the Board of Registrars of Montgomery County to prepare poll lists for use at the election.

By Mr. Morris (with notice and proof):

H. 1014. Relating to Tallapoosa County; to amend Act No. 275, S. 470, Regular Session 1969 (Acts of 1969, p. 607), relating to the compensation of certain officers of Tallapoosa County, so as to further regulate the salaries of certain county officers.

By Mr. Campbell (with notice and proof):

1026. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Butler, in Choctaw County.

By Mr. Dial (with notice and proof):

H. 1038. Relating to Clay County; to provide for the night hunting and taking of raccoons and opossums with the use of a light and/or shotgun using shot no larger than a number eight, or with a 22-caliber rimfire rifle using 22-caliber-short ammunition.

By Messrs. Holmes (D), Merrill, Shelton and Quarles (with notice and proof):

H. 621. Relating to Calhoun County; to provide that certain homebaked or homemade goods shall not be subject to the regulations of any state or county health department.

By Mr. Starkey (with notice and proof):

H. 589. Relating to Jackson County, Alabama and providing for semi-annual publication by the Jackson County Commission of a report showing the receipts and expenditures for said County, together with the indebtedness thereof; providing for the payment of the cost of such publications; repealing conflicting laws; and providing penalties for violating the provisions of said Act.

By Mr. Lutz (with notice and proof):

H. 702. To authorize the governing body of Madison County, Alabama, to establish fire districts or a fire department for Madison County; to authorize the adoption of a fire code for Madison County; to authorize the levy of a fire tax and to otherwise authorize fire protection measures within Madison County; and to provide that this Act shall become effective upon the ratification of an amendment to the Constitution of Alabama which authorizes the provisions of this Act.

By Mr. Lutz (with notice and proof):

H. 704. Pertaining to Madison County; to repeal Act Number 608, H. 1685, Regular Session 1973 (Acts p. 867) as amended by Act Number 435, H. 901, Regular Session 1975 (Acts p. 1045).

By Mr. Lutz:

H. 705. To propose an amendment to the Constitution of Alabama which, if approved by the electors of this state, would authorize the Legislature, by general or local law, to provide for the establishment of fire districts within Madison County to provide fire fighting and prevention services and to authorize the levy and collection of certain rates, fees, charges or taxes for the support of such districts.

The above Bill was read a second time at length as required by the Constitution.

By Mr Lutz (with notice and proof):

H. 706. Pertaining to Madison County; to provide for the temporary release, at the court's discretion, of certain prisoners in county or city jails for the purpose of working at gainful employment or for other rehabilitative purposes; to provide that any person so released who fails to report for confinement as ordered shall be subject to punishment provided for escape; to provide for the payment by persons so released to the county of a portion of their net earnings and for the utilization of the funds derived therefrom; to provide for the Madison County Work Release and Pre-Trial Release Fund; to set standards for judicial officers in said county for the pre-trial release of those persons accused of crimes; to establish penalties for failure to appear or for violation of release conditions; to provide for the forfeiture of security deposited to insure the attendance of the defendant; to prohibit certain activities by persons engaged in the business of undertaking to act as surety on bail bonds in Madison County and to provide that certain acts by such persons shall constitute the crime of bribery; to prohibit any sheriff, deputy sheriff, policeman, peace officer, warrant magistrate, or persons otherwise having the authority to arrest or hold another person in custody from committing certain acts with respect to bail bond companies and providing that the same shall constitute the crime of bribery; to create a body to be known as the Madison County Work Release and Pre-Trial Release Commission; to provide for the membership of said Commission and for its power and duties; to provide for the transfer of certain funds now held for the account of certain pre-trial release and work release programs in Madison County; and to repeal conflicting laws.

By Mr. Lutz (with notice and proof):

H. 707. Pertaining to Madison County; to repeal Act Number 895, H. 159, Regular Session 1975 (Acts p. 1753).

By Mr. Riddick:

H. 737. To repeal Act No. 1493, S. 1090, 1971 Regular Session (Acts of 1971, p. 2571), relating to the practice of barbering in counties having populations of not less than 175,000 nor more than 300,000; providing for the regulation of such practice through county boards of barber examiners; and providing for the organization and administration of said boards.

By Mr. Gregg et al (with notice and proof):

H. 778. To provide that the Madison County Commission may make appropriations to a legislative office to assist the Madison County Delegation to the Legislature of the State and provisions of the act shall be effective retroactively.

By Mr. Gregg et al (with notice and proof):

H. 779. To provide that the Huntsville City Council may make appropriations to a legislative office to assist the Madison County Delegation to the Legislature of the State and provisions of the act shall be effective retroactively.

By Mr. Albright (with notice and proof):

H. 904. To provide for a law enforcement officers' bill of rights for Madison County and all its municipal law enforcement agencies, and Firefighters of the City of Huntsville; defining certain rights of any officer or firefighter accused of misconduct; providing for adequate prior notice to officer or firefighter accused of misconduct when dismissal or demotion are involved; providing that any law enforcement officer or firefighter may bring civil suit for damages suffered while on official duty; providing that no officer or firefighter may have disciplinary action taken against him by reason of exercising the rights granted hereby; providing for the receipt and processing of all written complaints; and providing sanctions by the district attorney or state attorney by writ of injunction for non-compliance with the provisions of this Act; and repealing conflicting laws.

By Mr. McNees (with notice and proof):

H. 885. To regulate further the compensation and the expense allowance of the County Superintendent of Education of Fayette County; and giving retroactive effect to such expense allowance.

By Mr. McNees (with notice and proof):

H. 886. To regulate further the expense allowance of the members of the Fayette County Commission and giving retroactive effect to such expense allowance.

By Mr. McNees (with notice and proof):

H. 887. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fayette, in Fayette County, Alabama.

By Messrs. Goodwin and Coburn (with notice and proof):

H. 1017. To Provide for the City of Muscle Shoals, Alabama, a civil service system governing the appointment, removal, salaries, promotions, tenure, training and official conduct of employees of the police department, fire department and city clerk's office of the city; defining violations of the Act, and imposing penalties for violations thereof.

By Messrs. Goodwin, Coburn and Weeks (with notice and proof):

H. 1018. Relating to Franklin County, Alabama; authorizing the state highway department to use county funds to maintain and repair mail route roads, school bus routes and cemetery roads; maintain area to and around Franklin County sanitation containers; to determine and establish authority concerning certain other roads.

By Messrs. Hill, Greer and Coburn (with notice and proof):

H. 494. Relating to Lauderdale County; to further implement Section 9 of Act Number 160, 1971, and provide the Lauderdale County Commission the authority to employ appraisers, mappers, and clerical personnel to maintain current evaluation of all real property and valuation of personal property.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Dial, McCluskey, Shoemaker and Moore (O) (with notice and proof) (With Amendment):

H. 978. Relating to Talladega County; to provide for the payment of a 40% supplementary salary to the district judges in Talladega County.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Goodwin, Coburn and Weeks (with notice and proof):

H. 1019. Relating to Franklin County, Alabama; relating to certain authority and duties of the County District Engineer.

### INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Ellis and Vacca (with notice and proof):

S. 787. To further amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama of 1951, pp. 1579, et seq.), as heretofore amended, which said Act, as heretofore amended, is entitled "An Act to create or provide in or for each and every city of the State of Alabama having a population of two hundred fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system; to make the provisions of such system applicable on and after September 1, 1969, to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and to provide membership in the system for certain employees of a Civic Center Authority in any county in which any such city may be located."

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 787, as required in the General Acts of Alabama, 1975 Act No. 919.

MCDOWELL LEE,  
Secretary.

By Mr. Teague (with notice and proof):

S. 788. Relating to St. Clair County; to require the county governing body of said county to provide for a civil service merit system for employees of the sheriff's office in said county.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 788, as required in the General Acts of Alabama, 1975 Act No. 919.

MCDOWELL LEE,  
Secretary.



By Mr. Powell (with notice and proof):

S. 789. Relating to Montgomery County; to provide additional compensation for the members of the Board of Registrars.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 789, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Powell (with notice and proof):

S. 790. Relating to Montgomery County, Alabama; to provide that in addition to all presently existing pistol permit fees charged in said County, there is hereby levied an additional pistol permit fee in the amount of \$5.00; to provide that \$3.00 of said additional fee be paid into the County treasury for the establishment and maintenance of a fund which is hereby designated and entitled as the "Sheriff's Fund"; to provide for the use of said Sheriff's Fund; to provide that \$1.00 of the additional fee collected shall be credited to the County's portion of contribution for Class II employees, under any retirement plan in effect in said County; the remaining \$1.00 of the additional fee collected shall be credited to the General Fund of the County; to provide for the payment of the sum of \$2.00 for the issuance of a duplicate pistol permit; \$1.00 of which shall be credited to the County's portion of contribution of Class II employees, under any retirement plan in effect in said County and the remaining \$1.00 to be credited to the General Fund of said County.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 790 as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Powell (with notice and proof):

S. 791. Relating to Montgomery County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses; giving this act retroactive effect.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 791, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Gilmore (with notice and proof):

S. 792. Relating to Jefferson County, to provide for a procedure for the payment of certain debts upon the annexation of all or a part of a fire district by any municipality of the county.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 792, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Gilmore (with notice and proof):

S. 793. To repeal Act No. 604, H. 541, 1976 Regular Session (Acts 1976, p. 820) which act provides for the annexation of fire districts by municipal corporations in counties having populations of 600,000 or more according to the 1970 or any subsequent federal decennial census.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 793, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Teague (with notice and proof):

S. 794. To amend the title and Section 1 of Act No. 903, H. 1850, of the 1975 Regular Session (Acts 1975, p. 1786), entitled "An Act Relating to thirtieth judicial circuit; providing for the compensation of the clerk-secretary for the office of district attorney of said judicial circuit; and prescribing the duties of such clerk-secretary" so as to specify that said act shall only be applicable to the clerk-secretary in the Blount County office of such district attorney and to provide retroactive effect to October 8, 1975.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 794, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Teague:

S. 795. To amend Section 9-11-147 of the Code of Alabama 1975 relating to the regulation of commercial fishing gear, so as to provide that all setlines, trotlines, snaglines or lawful fish traps shall be identified by attaching the license number, name and address of the owner of such lines and traps.

Committee on Finance and Taxation.

By Mr. Teague (with notice and proof):

S. 796. Relating to St. Clair County, to authorize and direct the county governing body to distribute certain beer tax revenues collected pursuant to Act No. 515, H. 1028, 1969 Regular Session (Acts 1969, p. 985) to certain agencies and institutions within the county.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 796, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

## REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment to the Alabama Commission on Higher Education.

On motion of Mr. Owen, the appointment of Jimmy Faulkner, Sr., to the Alabama Commission on Higher Education, was confirmed by the Senate.

Yeas 23; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, King, Little, Noonan, Owen, Pearson, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Waldrop.

—23

*Nays:*

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 160. To authorize and direct the Cullman County Commission to levy and provide for the collection of an additional tax on motor fuels, and to provide for distribution and use of the proceeds from the tax.

and requests a Committee on Conference.

And the Speaker of the House has appointed as the Conferees on the part of the House Messrs. Drake, Sparks and Roberts.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. St. John, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, the title of which is set out in the foregoing Message from the House.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Proctor, St. John, Stewart, Teague, Vacca, Wilson.

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*Nays:*

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And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs, St. John, Clemon, and Pearson.

### BILLS ON THIRD READING

The Bill:

S. 629. Relating to Lee County, to provide further for the salary of the sheriff and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, Higginbotham, Little, Mims, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

S. 253. To amend further Act No. 2141, H. 2561, 1971 Regular Session (Acts 1971, p. 3431), entitled, "An Act To provide for and prescribe the form of government of all cities having populations of not less than 35,000 nor more than 37,000," so as to provide further for the disclosure of campaign contributions and expenditures made in relation to city elections; and to remedy a possible defect in the title of said Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Ellis, Fine, Foshee, Gilmore, Higginbotham, Little, McMillan, Mims, Mitchell, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 580. To further regulate the county supplemental allowances payable to the district attorney for the 8th Judicial Circuit.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, King,

McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

S. 696. To repeal Act No. 653, H. 589, 1975 Regular Session (Acts of 1975, p. 1410), entitled "An Act To require the members of the board of registrars in all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent or any subsequent decennial census to be available at the city hall of each incorporated municipality for the purpose of voter registration and voter reidentification, once each 6 months, and to be available at certain unincorporated areas in the county once each 6 months at the request of the House of Representatives member who represents such area with the concurrence of the Senate member who represents such area."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, King, Little, Mims, Noonan, Owen, Perloff, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

S. 744. To propose an amendment of Amendment No. 239 to the Constitution of Alabama of 1901, as amended, relating to fire protection or garbage and trash disposal districts, so as to require that the expenses of the garbage and trash disposal districts be paid by the Jefferson County Commission from the general funds of the county.

Was read a third time at length as required by the Constitution, and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Vacca, Wilson.

—25

*Nays:*

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The Bill:

S. 697. Relating to Mobile County; to require the members of the board

of registrars in Mobile County to be available at the city hall of each incorporated municipality for the purpose of voter registration and voter reidentification, once each 6 months, and to be available at certain unincorporated areas in the county once each 6 months at the request of the House of Representatives member who represents such area with the concurrence of the Senate member who represents such area, and to provide transportation and additional expense allowances for the members of the board of registrars.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Goodwin, King, Little, McDonald (A), McMillan, Mims, Noonan, Owen, Perloff, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

S. 726. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Russellville, in Franklin County.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

S. 727. To repeal Act No. 494, S. 927, approved August 26, 1971, Regular Session 1971 (Acts 1971, p. 1207), entitled, "An Act Relating to counties having a population of not less than 23,900 nor more than 24,450, fixing the fee for issuance of a pistol permit by the sheriffs in such counties and providing for the distribution and use of such fees."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Goodwin, King, Little, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 728. Relating to Franklin County; to provide for the fee for the issuance of pistol permits by the sheriff and for the disposition of such fee.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Fine, Gilmore, Goodwin, King, Little, McDonald (A), McMillan, Mims, Noonan, Owen, Peden, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 585. To alter or rearrange the boundary lines of the City of Satsuma, Mobile County, Alabama, so as to include within the corporate limits of said City all territory now within the corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama.

was taken up.

Mr. Owen offered the following substitute for the Bill, H. B. 585, to-wit:

#### SUBSTITUTE FOR H. B. 585

#### A BILL TO BE ENTITLED AN ACT

To alter or rearrange the boundary lines of the City of Satsuma, Mobile County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Satsuma, Mobile County, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Satsuma and in addition thereto the following described territory, to-wit:

That certain real property situated in Mobile County being more particularly described as follows, to-wit:

Beginning at the Southwest corner of Section 22, Township 2 South, Range 1 West; thence run North along the West line of Section 22 to the Northwest corner of said section; thence run East along the North line of Section 22 to the Easterly right of way line of Interstate I-65; thence run Northeastwardly along the right of way of I-65 to the intersection with the

North line of the Southeast 1/4 of Section 14, Township 2 South, Range 1 West; thence run East along said line to a point 330 feet West of the East line of Section 14; thence run North and parallel to the East line of Section 14 a distance of 660 feet to a point; thence run East a distance of 330 feet to a point on the East line of Section 14; thence run North along the East line of Section 14 to the intersection with the centerline of Gunnison Creek; thence run Southeastwardly along the centerline of Gunnison Creek and the meanders thereto to a point at the intersection of the projection of the Easterly line of Lot 29 of River of Pines Subdivision as recorded in Map Book 22, page 61 in the Office of the Judge of Probate, Mobile County, Alabama; thence run S 25° 11' 10" E along the projection of and the Easterly line of Lot 29 to the Northerly right of way line of Norton Drive a distance of 126.87 feet to a point on the East line of River of Pines Subdivision; thence run S 35° 49' 10" E a distance of 210 feet to a point on the South line of River of Pines Subdivision; thence run Westwardly along the South and Easterly line of River of Pines Subdivision and along a line running 180 feet South of and parallel to the centerline of Norton Drive to a point 150 feet East of the East line of Section 14; thence run South along a line 150 feet East of and parallel to the East line of Section 14 to a point on the North line of Vaughan's Palisades as recorded in Map Book 23, page 35 in the Office of the Judge of Probate, Mobile County, Alabama; thence run East along the North line of Vaughan's Palisades and its projection to the centerline of Gunnison Creek; thence run Southward along the centerline of Gunnison Creek and the meanders thereof to a point at the intersection of the South line of Section 13, Township 2 South, Range 1 West; thence run West along the South line of Section 13 to the Southeast corner of Section 14; thence run North along the East line of Section 14 to a point at the Southeast corner of North Oaks Subdivision, First Addition, as recorded in Map Book 17, page 12, in the Office of the Judge of Probate, Mobile County, Alabama; thence run West along the South line of North Oaks Subdivision, First Addition, and the South line of North Oaks Subdivision a distance of 1192.19 feet to a point; thence run N 0° 10' W a distance of 195.48 feet to a point on the South right of way line of Thomas Road; thence run West along the South line of Thomas Road and its projection to a point on the Westerly right of way line of U.S. Highway 43; thence run Southwardly along the Westerly right of way line of U.S. Highway 43 to a point on the South line of Section 14; thence run West along the South line of Section 14 and the South line of Section 15, said line being along the existing city limits line of the City of Satsuma, to a point 330 feet West of the Northeast corner of Section 22; thence run South to a point on the centerline of Dogwood Drive; thence run East along the centerline of Dogwood Drive to a point on the Westerly right of way of U.S. Highway 43; thence run Southwardly along the Westerly right of way of U.S. Highway 43 to a point on the East-West half-section line of Section 23, said line being the centerline of Woodland Avenue or its extension thereof; thence run West along said line and the East-West half-section line of Section 22 to a point on the North-South half-section line of Section 22, said line being the centerline of Orange Street or its extension thereof; thence run South along said line to a point on the South line of Section 22, said line being the existing city limits of the City of Satsuma; thence run West along the South line of Section 22 to the point of beginning.

Section 2. The substantive provisions of this act shall become operative only if the act is approved by the qualified electors who reside within that part of the territory hereinabove described which is not presently included within the corporate limits of the City of Satsuma, voting in a referendum election to be held on a day designated by the probate judge of Mobile County,



not less than twenty nor more than forty days from the date of this enactment. The notice of the election shall be given by the probate judge of Mobile County, and the election shall be held, conducted and the results thereof canvassed in the manner prescribed by Chapter 42 of Title 11 of the Code of Alabama, 1975, for giving notice of and conducting elections on the question of annexing territory insofar as such provisions of said article may be appropriate; provided, however, no resolution of the municipal governing body need be made or filed with the probate judge, nor need a plat or map of the territory to be annexed be filed with the probate judge. The question shall be on the adoption of Act No. \_\_\_\_\_, H. \_\_\_\_\_ of the 1978 Regular Session of the Legislature, which alters, rearranges and extends the corporate limits of the City of Satsuma in Mobile County. Each voter may furnish his own ballot, and if he desires to vote for the adoption of said act there shall be written or printed on such ballot the word "Yes." If he desires to vote against the adoption of such act the word "No" shall be written or printed on his ballot. The City of Satsuma shall pay all costs and expenses incident to the election.

If a majority of the votes cast in the election are "Yes" the provisions of this act shall become operative immediately. If the majority are "No" this act shall have no further effect.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, King, Little, McMillan, Mims, Noonan, Owen, Perloff, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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And said Bill, H. B. 585, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, King, Little, McMillan, Mims, Noonan, Owen, Perloff, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 630. Relating to Houston County; to prescribe the composition of the hospital board of said county; to ratify and confirm all previous acts of said board in approving and authorizing the sale of bonds for financing hospitals in said county and to provide for supplemental effect.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Foshee, Goodwin, King, Little, McMillan, Mims, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 794. Relating to Clarke County; to provide further for the compensation of the members of the county governing body.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, King, Little, McDonald (A), Mims, Noonan, Owen, Peden, Perloff, Perry, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 808. To alter and rearrange the boundaries of the municipality of Pelham in Shelby County, so as to include certain territory within the corporate limits of the city.

was taken up.

Mr. Gilmore offered the following amendment to the Bill, H. B. 808, to-wit:

#### AMENDMENT TO H. B. 808

On page 1, in Section 1 strike in their entirety lines 23 through 37 and on page 2 in Section 1 strike in their entirety lines 5 through 23 and on line 24 the words "right-of-way line of Valleydale Road" and substitute in lieu thereof:

Beginning at a point on the eastern boundary line of the existing corporate limits of Pelham; said point being the southwest corner of the northwest quarter of the northeast quarter of Section 6, Township 20 South, Range 2 West; thence run east along the south boundary line of the northwest quarter of the northeast quarter of Section 6, Township 20 South, Range 2 West to a point on the western boundary line of Oak Mountain State Park. Said point being the southeast corner of the northwest quarter of the northeast quarter of Section 6, Township 20 South, Range 2 West; thence run north along the east boundary line of the northwest quarter of the northeast quarter of Section 6 to the northwest corner of the south half of the south half of the northeast quarter of the northeast quarter of Section 6, Township 20 South, Range 2 West; thence run east along the north boundary of the south half of

the south half of the northeast quarter of the northeast quarter of Section 6, Township 20 South, Range 2 West to a point on the western right-of-way line of Interstate Highway I-65; thence run northerly along the western right-of-way line of Interstate Highway I-65 to the intersection of said right-of-way line and the north boundary line of Section 31, Township 19 South, Range 2 West; thence run west along the north boundary of Section 31, Township 19 South, Range 2 West, to the southwest corner of the southeast quarter of Section 30, Township 19 South, Range 2 West; thence run north along the west boundary of the southeast quarter of Section 30, Township 19 South, Range 2 West to a point on the south right-of-way line of Valleydale Road (County Highway #17); thence run southwesterly along the south right-of-way of Valleydale Road

Also on page 4, Section 2 on Line 15 strike the words and numbers "May 2, 1978" and insert in lieu thereof: June 6, 1978

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 808, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

S. 655. To further amend Section 1 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) establishing a retirement system for employees and officers of Jefferson County, Alabama, as heretofore amended.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Pearson,

Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 821. Relating to Colbert County; authorizing the state highway department to use county road funds to maintain mail routes, school bus routes and church and public cemetery roads.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Goodwin, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca.

—25

*Nays:*

—0

The Bill:

H. 827. Relating to Colbert County; to provide an additional expense allowance for the members of the board of registrars; and to provide for retroactive effect.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 832. Relating to Colbert County; authorizing the county commission to require prior approval of subdivision road plats.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Goodwin, King, Little, McDonald (A), McMillan, Mims, Noonan, Owen, Peden, Perry, Powell, Proctor, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 839. Relating to Houston County; to repeal Act No. 936, H. 1064, 1975 Regular Session (Acts of 1975, p. 1955), entitled "To create the office of license commissioner in Houston County; to provide for his appointment and future election; to fix his compensation and allowance, prescribe his duties, define his powers and provide for the operation of his office."

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Foshee, Goodwin, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 902. Relating to Conecuh County; to provide an additional expense allowance for the county coroner.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, King, Little, McDonald (A), Mims, Noonan, Owen, Pearson, Peden, Perry, Powell, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 903. To repeal Act No. 723, H. 1207, Regular Session 1976 (Acts of 1976, p. 1006), entitled "An Act To provide an additional expense allowance for the county coroner of all counties having populations of not less than 15,625 nor more than 15,850 inhabitants according to the 1970 or any subsequent federal decennial census."

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Goodwin, King, Little, McDonald (A), Mims, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 906. To amend Section 6 of Act No. 789, H. 1328, Regular Session 1977 (Acts 1977, p. 1363), which provides for a personnel board for employees of county law enforcement offices in Shelby County, so as to provide further for the compensation of members of such board.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, King, Little, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 927. To amend Act 917, H. 1937, approved October 8, 1975, which authorizes the County Commission, Board of Revenue, or other Geneva County governing body to provide clerk-hire allowance for the Tax Assessor and the Tax Collector of Geneva County so as to increase the amount of such allowances.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Foshee, King, Little, McDonald (A), McMillan, Mims, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 937. Relating to Lawrence County; to further provide for the salaries of the Judge of Probate, the sheriff, the tax collector, the tax assessor and the coroner; and to provide for a temporary expense allowance for each officer elected to serve as the tax collector and the tax assessor.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 937, to-wit:

#### AMENDMENT TO H. B. 937

Amend H. B. 937, Page 1, Line 37 by inserting after the word "law" the following:

"for the office of judge of probate"

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, King, Little, McDonald (A), McMillan, Mims, Mitchell, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 937, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, King, Little, McDonald (A), McMillan, Mims, Mitchell, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 740. To amend Sections 3, 12, 14 and 15, and add Section 28, of Act No. 243 H. 278, first Special Session 1964, as amended, which establishes the pension and relief system for policemen and firemen of the City of Mobile, by changing the amounts of contributions of the members and of the City, and by providing that the City may fix, in its discretion, such part of the assessment of costs of court in connection with prosecutions for violations of municipal ordinances to be credited to said pension and relief fund; to amend further said Act No. 243; to provide for an adjustment in retirement benefits to persons retiring after the effective date of this Act; and to provide for an adjustment in benefits in persons temporarily totally disabled.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, King, Little, McDonald (A), McMillan, Mims, Noonan, Owen, Perloff, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 979. Relating to Elmore County; providing further for the salaries and expense allowances of the deputies of the sheriff's department, and providing payment out of county funds.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, King, Little, McDonald (A), McMillan, Mitchell, Owen, Pearson, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 770. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineer in certain counties of this state.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Higginbotham, Little, McMillan, Mims, Mitchell, Owen, Peden, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 745. Relating to Dallas County; further regulating the handling and expenditures of certain court fees accruing to Dallas County; establishing the Dallas County Law Library Fund and authorizing the expenditures of such funds; creating the Dallas County Law Library Board and providing for its appointment, powers and duties; providing for taxation of \$3.00 court costs as a law library fee in all criminal, quasi-criminal, or civil cases or other proceedings in the circuit court, district court, and small claims court of Dallas County; and repealing certain laws of Dallas County relating to the county and circuit courts.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Goodwin, King, Little, McDonald (A), McMillan, Mitchell, Owen, Pearson, Perry, Powell, Proctor, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 744. Relating to Dallas County; to provide a District Attorney's Fund for Dallas County; and to provide an expense supplement for the



District Attorney, Deputy District Attorney or the Assistant District Attorney serving as Deputy District Attorney and the part-time Assistant District Attorney for Dallas County from the District Attorney's Fund.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Goodwin, King, Little, McDonald (A), McMillan, Mitchell, Owen, Pearson, Perry, Powell, Proctor, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 704. To allow those county employees who but for Section 3 of Act No. 176 of the 1959 Regular Session of the Alabama Legislature would have contributed to the Montgomery County Employees' Retirement System to pay the amount not deducted plus interest and thereby receive credit for membership in the Montgomery County Employees' Retirement System for the period of time when such monies were not contributed.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, King, Little, McDonald (A), McMillan, Mitchell, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 739. To amend Section 3 (g) of Act No. 352, approved August 23, 1957, now appearing in Section 9-17-83 (7) Code of Alabama 1975, relating to the unit operation of a field for the production of oil or gas so as to provide further for such unit operation in production from the Lower Cretaceous geological formation between depths of 10,500 feet and 11,500 feet subsea in which tertiary recovery methods are utilized.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McMillan, Mims, Noonan, Owen, Perloff, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

S. 723. Relating to the Thirty-Sixth Judicial Circuit; to provide for the assessment and collection of an additional filing fee on each district and circuit court case filed with the clerk's office in the Thirty-Sixth Judicial Circuit to be used to establish and maintain a law library in said circuit.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, Goodwin, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Proctor, Roberts, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 663. To alter and rearrange the boundaries of the city of Alexander City in Tallapoosa County, so as to exclude certain territory from the corporate limits of the city.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Little, McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Martin, Cross, Roberts and Drake:

H. J. R. 560. COMMENDING AUSTIN HIGH SCHOOL'S TEAM, NUMBER ONE IN THE NATION FOR THE FIFTH CONSECUTIVE YEAR.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 560, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Holmes:

H. J. R. 559. REQUIRING THAT ALL RAILROAD CROSSINGS WITHIN THE CITY OF MONTGOMERY, ALABAMA, BE EQUIPPED WITH FLASHING LIGHT SIGNALS APPROACHING TRAINS.

WHEREAS, the safety of our citizens is a responsibility which cannot be neglected by allowing the continued existence of railroad crossings without adequate warning of an approaching train; and

WHEREAS, all too often the traditional "stop, look and listen" sign does not give sufficient warning to motorists and pedestrians, particularly young children who are required to cross railroad tracks on their way to school; and

WHEREAS, accidents such as these have occurred in the recent past as the result of poorly and inadequately marked crossings and might well have been avoided had the railroad crossings been properly marked with flashing signal lights; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body hereby calls for the installation of lights at all railroad crossings in Montgomery, Alabama, and that said lights be required to flash when a train is approaching.

BE IT FURTHER RESOLVED, That the proper authorities take immediate remedial action.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 559, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Smith (C):

H. J. R. 557. NOTING WITH COMMENDATION THE DEDICATION OF THE NEW BAPTIST STUDENT CENTER AT THE UNIVERSITY OF MONTEVALLO.

WHEREAS, the Legislature of Alabama has noted the dedication on April 2, 1978, of the Baptist Student Center of the University of Montevallo; and

WHEREAS, the new Baptist Student Center, dedicated to the glory of God, and in appreciation to those responsible for its completion, will serve as a nucleus on campus for Christian growth of students and faculty of the University; and

WHEREAS, the Reverend Robert B. Ford, Jr., who has served for many years as Campus Minister and who will now also serve as director of the new center, was honored at a reception following the dedication service for his efforts and instrumental role in securing the facility for the University of Montevallo; and

WHEREAS, as a springboard for Christian outreach, the Baptist Student Center will fill a vital need for many of the young people in our State in preparation for their entry into the greater world community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we note with deep approval the dedication of the Baptist Student Center of the University of Montevallo and voice our appreciation to the many individuals, groups and churches responsible for the completion of this fine new campus facility.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Reverend Robert B. Ford, Jr., Campus Minister at the University of Montevallo.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 557, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Plaster, Edwards, Sparks, Carothers, Merrill, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Buskey, Callahan, Campbell, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Langford, Lee, Leonard, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Thomas, Towns, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Weeks, Whatley, White, Williams, Wyatt, and Younce:

H. J. R. 570. HONORING AUBREY H. FLEMING UPON HIS RETIREMENT AS MANAGER OF THE STATE COLISEUM IN MONTGOMERY.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 570, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 691. To provide for the director's fee and expense allowance of the chairman and each member of the board of directors of the Jasper Utilities Board.

Also:

S. 689. Relating to Russell County; to change the method of compensating certain county officers, placing the officers on a salary and providing for a clerk hire allowance for each of such officers.

Also:

S. 667. Relating to the District Court for Russell County; authorizing the governing body of Russell County, in its discretion, to provide an expense allowance for the Judge of the District Court for Russell County not to exceed \$3,000.00 per year.

Also:

S. 600. To propose an amendment to the Constitution of Alabama, 1901, so as to authorize the governing body of Limestone County to establish fire districts or a fire department for said county; to authorize the adoption of a fire code for Limestone County; to authorize the levying and collecting of a fire tax and to otherwise authorize fire protection measures within Limestone County; and to prescribe punishment for any violation of the provisions and regulations promulgated hereunder.

Also:

S. 593. To further regulate fire protection in Limestone County; to authorize the governing body of Limestone County, Alabama, to establish fire districts or a fire department for Limestone County; to authorize the adoption of a fire code for Limestone County; to authorize the levying and collecting of a fire tax and to otherwise authorize fire protection measures within Limestone County; and to prescribe punishment for violation of this act and regulations promulgated hereunder.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Smith (C) (with notice and proof):

H. 1033. Relating to the office of sheriff of Chilton County; providing further for the appointment, number, duties and compensation of deputies; providing for the furnishing of quarters, equipment and clerical help; providing for an expense allowance for the sheriff; and repealing Act No. 955, S. 929, 1975 Regular Session (1975 Acts, p. 1991), and other conflicting laws.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1033, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Ford, Towns, Rich and Taylor (with notice and proof):

H. 719. Relating to Rainbow City in Etowah County; to provide for a special election of the electors of Rainbow City on the issue of whether or not the people of Rainbow City want to create a separate municipal school board in Rainbow City; to provide for the termination of any municipal school system for Rainbow City in the event the voters vote to stay within the county system; and to provide for the creation of a municipal school system, in accordance with existing laws, for Rainbow City if the electors vote in favor of creating such a municipal school system.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 719, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Rich and Ford (with notice and proof):

H. 1023. Relating to Etowah County; providing that the sheriff shall have a concession to sell soft drinks, cigarettes, and assorted personal items to county prisoners and state prisoners in county custody; and providing that the profits from such sales shall be used for law enforcement purposes.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1023, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Rich (with notice and proof):

H. 1028. To alter or rearrange the boundary lines of the Town of Southside, Etowah County, Alabama, so as to include within the corporate

limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Etowah County, Alabama.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1028, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Callahan (with notice and proof):

H. 908. To place all full-time employees of the Mobile Housing Board under the classified service of the merit system of Mobile County's Personnel Board.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 908, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Reed and Folmar (with notice and proof):

H. 1048. Relating to Bullock County; to provide for the employment of clerks, secretaries and clerical assistants to perform duties in the County offices located in the County Courthouse and to provide for the employment of jailers for the county jail; and to provide for the salaries of all such employees.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1048, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Drake, Roberts, Cross and Martin (with notice and proof):

H. 1050. Relating to Morgan County, to provide for salary supplements and expense allowances for certain county officers, payable from the county treasurer.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1050, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Jolly and Towns (with notice and proof):

H. 1053. Providing further for registration of voters in Blount County.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1053, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1033, 719, 1023, 1028, 908, 1048, 1050, and 1053. To the Committee on Local Legislation No. 1.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Folmar (with notice and proof):

H. 1022. This bill is for the purpose of establishing the Walnut Creek Lake Authority in Pike County, Alabama.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1022, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Drake, Roberts, Cross and Martin (with notice and proof):

H. 1051. Relating to Morgan County; to further provide for the salaries of employees of the sheriff's department and to provide for additional employees.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1051, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Carter and Moore (W) (with notice and proof):

H. 757. To authorize the Limestone County Commission to appoint a license commission for said county and to provide that such power of appointment shall include the authority to prescribe the duties, compensation and terms of the members of such commission.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 757, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Jolly (with notice and proof):

H. 1058. To further amend Section 11-6-2 of the Code of Alabama 1975 as last amended so as to add Blount County to the list of counties exempt from the requirement that the county engineer be a qualified land surveyor.



I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1058, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Crowe:

H. 1059. Relating to the 25th Judicial Circuit; creating the office of public defender and providing for the manner of appointment, the operation and financing of such office; providing such office for the representation and defense of persons accused of crime whom the courts declare indigent; establishing the Public Defender Commission; defining the authority, powers, duties and limitations of said commission and defender; providing for the vacancy of said office of defender; authorizing the taxing and collecting of certain additional court costs in certain courts within said counties for financing the operation of the office of Public Defender and representation of indigents, such revenues to be designated for the Public Defender's fund; continuing the opportunity for lawyers to be appointed to represent such indigents; requiring that any excess money in the Public Defender Fund be returned on a pro rata basis to the counties and municipalities which funded the said office and its operation; and providing for the retroactive effect of certain provisions of this act.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1022, 1051, 757, 1058, and 1059. To the Committee on Local Legislation No. 1.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Harrison, McNair and Hilliard:

H. J. R. 555. HONORING MRS. ADDINE DREW.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Pearson, the Rules were suspended and the Resolution, H. J. R. 555, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## BILLS ON THIRD READING RESUMED

## The Bill:

H. 768. To authorize the governing body of Lee County, Alabama, to levy and collect special county privilege and license taxes, generally paralleling the state sales taxes provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama of 1975, as amended, and special county excise taxes generally paralleling the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama of 1975, as amended; to provide for the ascertainment, collection, payment, distribution and use of the proceeds of the said taxes if levied by the said governing body, and for the enforcement of this act by the State Department of Revenue; to specify the maximum duration for which any such taxes may be levied; to prescribe penalties and fix punishment for violations of this act; and to authorize the governing body of Lee County, Alabama, in its discretion, to call and hold an advisory election on the question of the levy of such taxes, which such election shall not be in any way binding on the said governing body.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Higginbotham, Little, Mims, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

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## The Bill:

H. 822. Relating to Montgomery County; to change the method of compensating the tax assessor, placing said official on a salary basis; to provide that the fees, commissions and allowances provided such official shall be paid into the county treasury; and provide that the cost of the operation of the office of tax assessor shall be borne in part by the City of Montgomery.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, King, Little, McDonald (A), McMillan, Mitchell, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 823. Relating to Montgomery County; to change the method of compensating the tax collector, placing said official on a salary basis; to provide that the fees, commissions and allowances provided such official shall be paid into the county treasury; and provide that the cost of the operation of the office of tax collector shall be borne in part by the City of Montgomery.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, King, Little, McDonald (A), McMillan, Mitchell, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 825. Relating to Montgomery County; to change the method of compensating the license inspector, placing said official on a salary basis; and to provide that the fees, commissions and allowances provided such official shall be paid into the county treasury.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, King, Little, McMillan, Mitchell, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 851. To authorize the governing body of Montgomery County to establish and maintain firefighting districts within such county; to enter into agreements with Volunteer Fire Departments within such county for fire protection and services; to set fees for fire protection services within said county; and to prescribe the manner of collection and distribution of such fees.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, King, Little, McMillan, Mitchell, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 897. To amend Section 4.02 of Act No. 71, H. 114, Regular Session 1977 (Acts of 1977, p. 78), entitled "To permit any city in the State of Alabama having a population of not less than 23,000 nor more than 27,000 inhabitants according to the 1970 or any subsequent federal decennial census to adopt the council-manager form of municipal government, to provide for the calling and holding of elections to vote thereon, to provide for the election and term of the first council, to define the legal status, form of government and powers of the city, to provide for subsequent elections of members of the council, their number and their terms of office, to provide for the qualification, powers and authority of the council, the mayor and the city clerk, and for the election of the mayor and city clerk, to provide for the appointment and removal and to define the powers of the city manager, to provide for an annual budget, its preparation, submission, adoption and effect, to create and define the powers and duties of a department of finance and of the director thereof, to regulate purchases and contracts of the city, and to define their powers and authority, to set up the terms and effects of succession in government of any city adopting the council-manager form of government, to provide for the establishment and re-establishment of districts, to make various other provisions for such form of government of any such city, and to provide for the means of abandoning the council-manager form of government", so as to provide that the city manager shall have authority to appoint and remove officers and employees of any municipally owned public utility and any municipally owned service enterprise.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Higginbotham, King, Little, Mims, Mitchell, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 919. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Citronelle in Mobile County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, King, Little, McMillan, Mims, Noonan, Owen, Perloff, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 838. To alter and rearrange the boundaries of the municipality of Taylor in Houston County, so as to exclude certain territory from the corporate limits of the municipality.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Foshee, King, Little, McDonald (A) McMillan, Mims, Mitchell, Noonan, Peden, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 942. To amend Section 6 of Act No. 801, H. 99, 1977 Regular Session (Acts of 1977, p. 1381) entitled, "An Act Further regulating the trapping of fur-bearing animals in the State of Alabama; amending Title 8, Section 91, Code of Alabama, 1940 (Recompiled 1958), so as to increase the fees chargeable for the issuance of trapping licenses, prescribing additional regulations relative to traps and designating additional criminal offenses relative to trapping of fur-bearing animals; placing strict civil liability upon persons who cause injury or damages to persons or property as a result of trapping fur-bearing animals; further regulating the trapping of fur-bearing animals on any state highway right-of-ways; providing that traps shall be checked on a periodic basis; prohibiting the suspending of bait over steel traps; prescribing criminal penalties; and requires certain reports to be filed by trappers and fur dealers," so as to provide that the provision of Sections 2 and 3 of said act shall not apply to Limestone County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Fine, Foshee, Goodwin, King, McDonald (A), McMillan, Mims, Mitchell, Owen, Peden, Perloff, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 826. Relating to Montgomery County; providing penalties for littering a public thoroughfare.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, King, Little, McDonald (A), McMillan, Mitchell, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

S. 748. Relating to Lawrence County; to provide for salary supplements for the Circuit Judge of the Circuit composed of Lawrence County, payable from the county treasury.

was taken up.

Mr. Edwards offered the following substitute for the Bill, S. B. 748, to-wit:

#### SUBSTITUTE FOR S. B. 748

#### A BILL TO BE ENTITLED AN ACT

Relating to Lawrence County; to provide for an expense allowance for the circuit judge of the circuit composed of Lawrence County, payable from the county treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. The circuit judge for the circuit composed of Lawrence County shall receive an additional expense allowance payable in equal monthly installments from the county general fund in an amount equal to 30% of the prevailing salary paid to such circuit judge by the state. The expense allowance provided for by this act shall be in lieu of all other supplemental salary, supplemental compensation or expense allowances provided for by law.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, King, Little, McDonald (A), McMillan, Mims, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

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And said Bill, S. B. 748, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, King, Little, McDonald (A), McMillan, Mims, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 945. Relating to Coffee County; providing a lump sum expense allowance for members of the Board of Equalization.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Foshee, Goodwin, King, Little, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Peden, Perry, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

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## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 640. To provide for and authorize the incorporation of a public corporation as a political subdivision of the state to be named Buttahatchee River Development Authority, for the development of the Buttahatchee River, its tributaries and watershed, for the purposes of navigation, water conservation and supply, flood control, irrigation, industrial development, public recreation and related purposes; to provide for the composition of the board of directors of the Authority; to specify the powers and duties of the Authority and its board of directors; to authorize the Authority to investigate

the resources of the Buttahatchee River watershed, to determine requirements for its full development and control, and to carry out a unified comprehensive program of resource development, together with other powers to effectuate the foregoing objective; to authorize the Authority to acquire land and interests in land by purchase, construction, lease, condemnation or otherwise, and to hold, manage and sell such land and interests therein; to make provisions respecting the establishment and revision of rates, fees and charges for services rendered by the Authority; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and notes payable solely out of the revenues of the Authority or out of the revenues of any particular facilities and other property of the Authority, without regard to the specific facilities and other property with respect to which such bonds and notes may have been issued; to provide that such bonds and notes shall constitute negotiable instruments; to provide that such bonds and notes may be secured by a pledge of the revenues from which they are payable, by contracts binding the Authority for the proper application of its revenues and the proceeds of such bonds and notes and by a non-foreclosable mortgage or deed of trust or statutory mortgage lien on the facilities and other property out of the revenues from which such bonds and notes are payable, and to provide that bonds and notes of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by the Authority of obligations respecting facilities and other property acquired by the Authority; to provide for the use of the proceeds of bonds and notes issued by the Authority; to provide for the refunding, by the issuance of bonds and notes of the Authority, of bonds and notes therefore issued or obligations theretofore assumed by it; to provide that bonds and notes issued and contracts entered into by the Authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or other political subdivision of the state; to authorize Marion and Lamar Counties and the municipalities located therein to contribute money to the Authority, without the necessity of an election and with or without consideration therefor; to exempt from all taxation in this state, the Authority, its property, corporate activities, income, revenues, bonds and notes, the income from its bonds and notes, and conveyances, leases and mortgages and deeds of trust to which the Authority is a party, and to exempt the Authority from payment of certain charges to Judges of Probate; to provide that the Authority shall be exempted from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by the Authority; and to provide for certain annual reports by the Authority.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Fine, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 640, the title of which is set out in the foregoing Message from the House, to-wit:

#### SUBSTITUTE FOR S. B. 640

#### A BILL TO BE ENTITLED AN ACT

To provide for and authorize the incorporation of a public corporation as a political subdivision of the state to be named the Upper Buttahatchee River



Development Authority, for the development of the Buttahatchee River, its tributaries and watershed, for the purposes of navigation, water conservation and supply, flood control, irrigation, industrial development, public recreation and related purposes; to provide for the composition of the board of directors of the Authority; to specify the powers and duties of the Authority and its board of directors; to authorize the Authority to investigate the resources of the Buttahatchee River Watershed, to determine requirements for its full development and control, and to carry out a unified comprehensive program of resource development, together with other powers to effectuate the foregoing objective; to authorize the Authority to acquire land and interests in land by purchase, construction, lease, condemnation or otherwise, and to hold, manage and sell such land and interests therein; to make provisions respecting the establishment and revision of rates, fees and charges for services rendered by the Authority; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and notes payable solely out of the revenues of the Authority or out of the revenues of any particular facilities and other property of the Authority, without regard to the specific facilities and other property with respect to which such bonds and notes may have been issued; to provide that such bonds and notes shall constitute negotiable instruments; to provide that such bonds and notes may be secured by a pledge of the revenues from which they are payable, by contracts binding the Authority for the proper application of its revenues and the proceeds of such bonds and notes and by a non-foreclosable mortgage or deed of trust or statutory mortgage lien on the facilities and other property out of the revenues from which such bonds and notes are payable, and to provide that bonds and notes of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by the Authority of obligations respecting facilities and other property acquired by the Authority; to provide for the use of the proceeds of bonds and notes issued by the Authority; to provide for the refunding, by the issuance of bonds and notes of the Authority, or bonds and notes therefore issued or obligations theretofore assumed by it; to provide that bonds and notes issued and contracts entered into by the Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or other political subdivision of the state; to authorize Marion County and the municipalities located therein to contribute money to the Authority, without the necessity of an election and with or without consideration therefor; to exempt from all taxation in this state, the Authority, its property, corporate activities, income, revenues, bonds and notes, the income from its bonds and notes, and conveyances, leases and mortgages and deeds of trust to which the Authority is a party, and to exempt the Authority from payment of certain charges to Judges of Probate; to provide that the Authority shall be exempted from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by the Authority; and to provide for certain annual reports by the Authority.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words and phrases used in this Act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

"Authority" means the public corporation organized pursuant to the provisions of this Act.

"Board" means the board of directors of the Authority.

"Bonds" means and shall include bonds and notes.

"County" means a county in the state.

"Director" means a member of the board of directors of the Authority.

"Governing body" means the Court of County Commissioners, Board of Revenue, or other like governing body of a county.

"Municipality" means an incorporated city or town of the state.

"Person" unless limited to a natural person by the context in which it is used, includes a public or private corporation, a municipality, a county, or an agency, department or instrumentality of a county or municipality, of one or more of the several states, or of the United States of America.

"Property" means and includes real and personal property, and interests therein.

"State" in the absence of clear implication herein otherwise, means the State of Alabama.

"Watershed" means and includes all land in Marion County, lying within fifteen miles of the Buttahatchee River and any of its tributaries.

"HEREIN," "hereby," "hereunder," "hereof," and other equivalent words refer to this Act as an entirety and not solely to the particular section or portion thereof in which any such word is used.

The definitions set forth herein shall be deemed applicable whether the words defined are used in the singular or plural. Whenever used herein any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

**Section 2. Purpose and Nature of the Authority.** In the interest of the unified development of the Buttahatchee River and its tributaries and watershed, for the purposes of navigation, water conservation and supply, flood control, irrigation, industrial development, public recreation and related purposes, there is hereby authorized, and shall be established as hereinafter provided, a development Authority for the Alabama portion of the Buttahatchee River watershed. The Authority, when incorporated in accordance herewith, shall be a public corporation and a political subdivision of the State of Alabama, composed of a board of directors selected and empowered as hereinafter provided.

**Section 3. Number and Composition of the Board of Directors.** The board of directors of the Authority shall consist of six members, designated herein as directors, as follows:

(a) The governing body of Marion County shall appoint two directors of the Authority who shall be persons residing in the county.

(b) The governing body of the City of Hamilton shall appoint one director of the Authority who shall be a person residing in the city.

(c) The Buttahatchee River Property Owners Association, Inc., shall appoint three directors of the Authority who shall be property owners in the

Buttahatchee River watershed and members of the Association, to be elected at a meeting of the said Association.

The directors shall be active in municipal, industrial, agricultural, commercial, or citizen organizations engaged in promoting comprehensive and unified development of the resources of the Buttahatchee River watershed as a basis for its general economic growth. The term of office of each director shall be six years, the term of the first director so appointed to commence on the date on which there shall be filed with the Judge of Probate of Marion County the certificate of incorporation provided for in Section 4 hereof. Successors to the first directors shall be appointed in a like manner as provided above, and any vacancy in the office of a director shall be appointed in the same manner by another appointment for the unexpired term.

**Section 4. Procedure to Incorporate; Contents of Certificate of Incorporation.** To become a corporation, the persons who are designated to become members of the initial board of directors of the Authority, as provided in Section 3 of this act, shall present to the Judge of Probate of Marion County, a certificate of incorporation signed by them which shall contain: (1) The name and official residence of each of the said persons; (2) the term of office of each of the said persons as such directors; (3) the name of the proposed corporation which shall be the Upper Buttahatchee River Development Authority; (4) the location of the principal office of the proposed corporation which shall be in Marion County; and (5) any other matter relating to the incorporation that the said persons may choose to insert and which is not inconsistent with this act or the laws of the State of Alabama. The certificate of incorporation shall be accompanied by: (i) A certified copy of a resolution adopted by the governing body of Marion County appointing directors from such county; (ii) a certified copy of a resolution adopted by the governing body of the City of Hamilton appointing a director from such city; (iii) a certified copy of a resolution of the Buttahatchee River Property Owners Association, Inc., appointing directors from such association. The certificate of incorporation shall be subscribed and sworn to by each of the first directors before an officer authorized by the laws of this state to take acknowledgements to deeds. The said Judge of Probate shall examine the certificate of incorporation presented to him and, if he finds that it substantially complies with the requirements of this section, he shall receive and file it, and shall record it in an appropriate book of records in his office. When the certificate of incorporation has been made, presented, filed and recorded as herein provided, the said persons shall constitute a public corporation under the aforesaid name, and the Authority shall thereupon come into existence. There shall be no fees paid to the Judge of Probate for any work done in connection with the incorporation above provided for.

**Section 5. Meetings of the Board of Directors.** As soon as may be practicable after completion of the incorporation as provided in Sections 3 and 4 hereof, the board of directors shall hold their first meeting at Hamilton, Alabama, elect a Chairman, Vice Chairman, and Secretary-Treasurer, set a regular time and place for meetings of the board, and attend to such other matters as may be appropriate. The Chairman and Vice Chairman shall be elected from the membership of the board; the Secretary-Treasurer may, but need not, be elected from the membership of the board.

Directors shall serve without compensation, except reimbursement for actual traveling expenses and other necessary expenses incurred in the

performance of their official duties, such expenses to be reimbursed from such funds as may be available to the Authority.

The quorum necessary for the board of directors to hold valid meetings and to take valid action or transact business shall be four members. Nothing herein shall be construed to authorize the acquisition by eminent domain of any real property or rights owned or controlled by railroads or utilities, both public or private.

Section 6. General Powers of the Authority. The general powers, duties, and functions of the Authority shall be as follows:

(a) General. The Authority: (1) Shall have perpetual succession in its corporate name; (2) May sue and be sued in its corporate name; (3) May adopt, use, and alter a corporate seal, which shall be judicially noticed; (4) May enter into such contracts and cooperative agreements with federal, state, and local governments, with agencies of such governments, and with private individuals, corporations, associations, and other organizations, including the Buttahatchee River Watershed Association, Inc., whether organized under the laws of Alabama or of another state, as the board may deem necessary or convenient to enable it to carry out the purposes of this act, which authorization shall include without limitation contracts and cooperative arrangements with any of the several states, and with counties and municipalities in and agencies of such states; (5) May adopt, amend, and repeal by-laws; (6) May appoint managers, officers, employees, attorneys, and agents as the board deems necessary for the transaction of its business, fix their compensation, define their duties, and require bonds of such of them as the board may determine, the salaries of any such employees to be paid out of such funds as may be available to the Authority from any source.

The Authority may institute legal proceedings in any court of competent jurisdiction and proper venue; provided, that the Authority may not be sued or subjected to a counter-claim, cross-claim, set-off or recoupment in any court other than the courts of Marion County, Alabama; and provided, further, that the officers, directors, agents and employees of the Authority may not be sued or subjected to a counter-claim, cross-claim, set-off or recoupment for actions in behalf of the Authority in any court other than the courts of Marion County, Alabama; and provided, further, that no claim or cause of action, based wholly or in part upon allegations which call into question the validity of the Authority, shall be heard or adjudicated in any court other than the courts of Marion County, Alabama.

(b) Formulation and Execution of Development Plans. The Authority is authorized to:

(1) Investigate the resources of the Buttahatchee River watershed and determine the requirements for its full development and for control and development of its stream system as an integral part of the economy of the area; (2) Develop and carry out a unified, comprehensive program of resource development designed to encourage and assist the economic growth of the area, which program shall not be inconsistent with official programs for statewide economic development; (3) Provide for the construction of water control structures, channel improvements, and other facilities for navigation, drainage, irrigation, water conservation and supply, industrial development, recreation and related purposes, as a part of comprehensive plans; (4) Arrange with the state and with any city, county, municipality, or supplier of utilities, for the abandonment, relocation, or other adjustments of roads, highways, bridges, and utility lines; (5) In making investigations and

in formulating and executing development plans, seek and utilize the assistance of appropriate federal, state and local agencies and of private citizens and citizen organizations and in aid of such activities, accept loans, grants, or other assistance from federal, state, and local governments or from agencies of such governments, and make contracts and execute instruments containing such terms, provisions, and conditions as the board in its discretion deems to be necessary, proper, or advisable for the purpose of obtaining such loans, grants, or other assistance.

(c) Land Acquisition. The Authority may acquire by purchase, construction, lease, gift, condemnation or otherwise, property of any kind, real, personal, or mixed, or any interest therein, that the board deems necessary or convenient to the exercise of its powers or functions; provided, that acquisition by condemnation shall be limited to lands, rights in land, including leaseholds and easements, and water rights in the Buttahatchee River watershed that the board determines to be necessary to control and optimum development of the Buttahatchee River and its tributaries, including such lands adjacent to or in the immediate vicinity of water control reservoirs as the board determines to be necessary to assure full development and optimum use of such reservoirs for the purposes of navigation, water conservation and supply, flood control, irrigation, industrial development, public recreation, and related purposes. The amount and character of the interest in land, rights in land, and water rights to be acquired in such area shall be determined by the board of directors, and its determination shall be conclusive. The Authority's power of eminent domain may be exercised under Title 18 of the Code of Alabama 1975, and any amendments thereto, or pursuant to any other general statutory provisions hereafter enacted for the exercise of the power of eminent domain. The Authority is expressly authorized to acquire by condemnation or otherwise and hold for resale or lease to private or other industrial organizations land or interests in land in the Alabama portion of the Buttahatchee River watershed that it determines to be suitable for industrial uses, and such acquisition is hereby declared to be for the public purpose of the state's industrial development and for the increase of industrial employment opportunities.

(d) Management and Operation. The Authority may:

(1) Enter into contracts with the United States, with the several states and with individuals, private corporations, associations, municipalities, and other public agencies, or political subdivisions of any kind, for the sale of water for municipal, domestic, agricultural or industrial use, or for the sale of any other services, facilities or commodities that the Authority may be in a position to supply; (2) Acquire and develop reservoirs and shoreline lands and provide for their operation for industrial, recreational, and other uses directly or by concessionaires, licensees, lessees, or vendees of shoreline lands; (3) Sell or lease shoreline lands, or any interest therein, in connection with development of the stream system, for uses consistent with the Authority's development plan and subject to such restrictions as the Authority deems necessary for reservoir protection and subject to such requirements as to character of improvements and activities and the time within which such improvements or activities shall be undertaken as the Authority deems appropriate to its over-all development plan; (4) Acquire or operate shoreline lands of reservoirs owned by the United States of America, as the agent of the federal agency having custody and control thereof under appropriate agreements with such agencies; (5) Acquire, construct, or operate such other facilities or works of improvement as are necessary to effectuate plans for the comprehensive development of the area; (6) Make and enforce reasonable

rules and regulations governing the use of any facilities and other property owned, controlled or operated by the Authority; (7) Provide for such insurance as the board may deem advisable; (8) To fix and revise from time to time reasonable rates, fees and other charges for the sale of water for municipal, domestic, agricultural or industrial use, or for the sale of any other services, facilities or commodities that the Authority may be in a position to supply.

(e) Financing. The Authority may:

(1) Sell and issue its bonds from time to time in order to provide funds for any corporate function, use, or purpose, all such bonds to be payable solely out of the revenues derived from the facilities and other property of the Authority or out of the revenues of any particular facilities and other property of the Authority and (2) Secure such bonds by a pledge of all or any of the revenues which may now or hereafter come to the Authority from any source, by a mortgage or deed of trust covering the Authority's land or any part thereof, or under the provisions of a trust indenture, or by a combination of one or more thereof; provided, that all obligations created or assumed and all bonds issued by the Authority shall be solely and exclusively obligations of the Authority and shall not create an obligation or debt of the state or of any county or municipality.

Section 7. Rates and Charges. Rates, fees and charges for services rendered by the Authority from any of its facilities shall be fixed and from time to time revised by the Authority; provided, that such rates, fees and charges shall be so fixed as at all times to provide funds at least sufficient (a) to pay the cost of operating, maintaining, repairing, replacing, extending and improving the facilities and other property from which such services are rendered; (b) to pay the principal of and the interest on all bonds issued and obligations assumed by the Authority, that are payable out of the revenues derived from the operation of those facilities, as the said principal and interest become due and payable; (c) to create and maintain such reserves for the foregoing purposes of any of them as may be provided in any mortgage and deed of trust or trust indenture executed by the Authority hereunder or in any resolutions of the board of directors authorizing the issuance of bonds, the assumption of any obligation, or the acquisition of any such facilities and other property, and (d) to make such annual payments, if any, to the United States of America or any agency or instrumentality thereof, the several states, municipalities, counties, departments, authorities, agencies and political subdivisions of the several states and any public corporations organized under the laws of the several states as the Authority may have contracted to make.

Any schedule or schedules of rates and other charges adopted by the board (i) may provide for the rendition by the Authority to customers served by it of combined statements or bills for service furnished from one or more of its facilities, (ii) may permit the Authority to decline to accept payment of charges for service from any of its said facilities, without payment of charges for service at the same premises from any one or more of its other facilities, (iii) may provide for discontinuance of service from any or all of its facilities at any premises with respect to which there is a delinquency in the payment of charges for service from any part of the facilities of the Authority, and (iv) may provide for the payment of connection fees, disconnection fees, and reconnection fees, and (v) may require, as a prerequisite to the rendition of any service, the making of a deposit as security for payment of bills, on which deposit the Authority shall not be obligated to pay or allow interest.

Section 8. Bonds of the Authority. All bonds issued by the Authority shall be signed by the Chairman of its board of directors and attested by its

Secretary-Treasurer, and the seal of the Authority shall be affixed thereto, and any interest coupons applicable to the bonds of the Authority shall be signed by the said Chairman; provided, that a facsimile of the signature of one, but not both, of said officers may be printed or otherwise reproduced on any such bonds in lieu of his manually signing the same, a facsimile of the seal of the Authority may be printed or otherwise reproduced on any such bonds in lieu of being manually affixed thereto, and a facsimile of the signature of the Chairman of its board of directors may be printed or otherwise reproduced on any such interest coupons in lieu of his manually signing the same. Any such bonds may be executed and delivered by the Authority at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this act, and shall bear such rate or rates of interest, payable and evidenced in such manner, as may be provided by resolution of the board. Bonds of the Authority may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board to be most advantageous. The principal of and interest on any bonds and other securities issued or obligations assumed by the Authority may thereafter at any time (whether before, at or after maturity of any such principal and whether at, after or not exceeding six months prior to the maturity of any such interest) and from time to time be refunded by the issuance of refunding bonds of the Authority, which may be sold by the Authority at public or private sale at such price or prices as may be determined by the board to be most advantageous, or which may be exchanged for the bonds of other obligations to be refunded. The Authority may pay all expenses, premiums and commissions which the board may deem necessary and advantageous in connection with any financing done by it. All bonds issued by the Authority shall be construed to be negotiable instruments although payable solely from a specified source. All obligations created or assumed and all bonds issued by the Authority shall be solely and exclusively an obligation of the Authority and shall not create an obligation or debt of any county or municipality; provided, that the provisions of this sentence shall not be construed to release the original obligor from liability on any bond or other obligation assumed by the Authority. All bonds issued by the Authority shall be limited or special obligations of the Authority payable solely out of the revenues of the Authority specified in the proceedings authorizing those bonds. Any such proceedings may provide that the bonds therein authorized shall be payable solely out of the revenues derived from the operation of all facilities owned by the Authority, or solely out of the revenues from the operation of any part of such facilities, regardless of the fact that those bonds may have been issued with respect to or for the benefit of only certain particular facilities and other property of the Authority. The Authority may pledge for the payment of any of its bonds the revenues from which such bonds are payable, and may execute and deliver a trust indenture evidencing any such pledge or a mortgage and deed of trust conveying as security for such bonds the facilities and other property, or any part thereof, the revenues or any part of the revenues from which are so pledged. Any mortgage and deed of trust or trust indenture made by the Authority may contain such agreements as the board of directors may deem advisable respecting the operation and maintenance of the property and the use of the revenue subject to such mortgage and deed of trust or affected by such trust indenture, and respecting the rights, duties, and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made; provided, that no such instrument shall be subject to foreclosure.

Section 9. Contracts to Secure Bonds and Assumed Obligations. As security for payment of the principal of and interest on bonds issued or

obligations assumed by it, the Authority may enter into a contract or contracts binding itself for the proper application of the proceeds of bonds and other funds, for the continued operation and maintenance of any facilities owned by it, or any part or parts thereof, for the imposition and collection of reasonable rates for and the promulgation of reasonable regulations respecting any service furnished from such facilities, for the disposition and application of its gross revenues or any part thereof, and for any other act or series of acts not inconsistent with the provisions of this act for the protection of the bonds and other obligations being secured and the assurance that the revenues from such facilities will be sufficient to operate such facilities, maintain the same in good repair and in good operating condition, pay the principal of and interest on any bonds payable from such revenues, and maintain such reserves as may be deemed appropriate for the protection of the bonds, the efficient operation of such facilities, and the making of replacements thereof and capital improvements thereto. Any contract pursuant to the provisions of this section may be set forth in any resolution of the board of directors authorizing the issuance of bonds or the assumption of obligations or in any mortgage and deed of trust or trust indenture made by the Authority hereunder.

Section 10. Statutory Mortgage Lien. Any resolution of the board of directors, or trust indenture, under which bonds may be issued pursuant to the provisions of this act may contain provisions creating a statutory mortgage lien, in favor of the holders of such bonds and of the interest coupons applicable thereto, on the facilities and other property (including any after-acquired property) out of the revenues from which such bonds are made payable. The said resolution of the board of directors, or the said trust indenture, may provide for the filing for record in the office of the Judge of Probate of each county in which any part of such facilities or other property may be located of a notice containing a brief description of such facilities or other property, a brief description of such bonds, and a declaration that said statutory mortgage lien has been created for the benefit of the holders of such bonds and the interest coupons applicable thereto, upon such facilities and other property, including any additions thereto and extensions thereof. Each Judge of Probate shall receive, record and index any such notice filed for record in his office. The recording of such notice, as herein provided, shall operate as constructive notice of the contents thereof.

Section 11. Proceeds from Sale of Bonds. All moneys derived from the sale of any bonds issued by the Authority shall be used solely for the purpose or purposes for which the same are authorized and any costs and expenses incidental thereto. Such costs and expenses may include but shall not be limited to (1) the fiscal, engineering, legal and other expenses incurred in connection with the issuance of the bonds, (2) in the case of bonds issued to pay costs of construction, interest on such bonds (or, if a part only of any series of bonds is issued for construction purposes, interest on that portion of the bonds of that series that is issued to pay construction costs) prior to and during such construction and for not exceeding one year after completion of such construction, and (3) in the case of bonds issued for the purpose of refunding principal and interest, or either, with respect to bonds issued or obligations assumed by the Authority, any premium that it may be necessary to pay in order to redeem or retire the bonds or other obligations to be refunded.

Section 12. Exemption from Taxation. The Authority, its income, the property of the Authority while owned by it, all bonds issued by the Author-



ity, the income from such bonds, conveyances by or to the Authority, and leases, mortgages, and deeds of trust by or to the Authority shall be exempt from all taxation in the State of Alabama. The Authority shall not be obligated to pay or allow any fees, taxes or costs to the Judge of Probate of any county in respect of its incorporation, the amendment of its certificate of incorporation, or the recording of any document. No license or excise tax may be imposed on the Authority in respect of the privilege of engaging in any of the activities authorized by this Act.

Section 13. Monetary Contributions by Marion County and the City of Hamilton. Marion County and the City of Hamilton are each hereby authorized and empowered to contribute to the Authority any amount or amounts of money, either with or without consideration therefor, that their respective governing bodies, acting in their sole discretion without the necessity of authorization at any election of qualified electors, shall approve to be paid from the general fund of the respective county or municipality. Governing bodies of such county or municipality are hereby empowered to levy and collect ad valorem taxes within constitutional limits for such purposes, which are hereby declared to be for municipal and county public purposes.

Section 14. Freedom of Authority from Public Service Commission and Other State Supervision and Control. This act is intended to aid the State of Alabama in the execution of its duties by providing an appropriate and independent political subdivision of the state with full and adequate powers to fulfill the functions herein authorized. Except as in this act expressly otherwise provided, no proceeding, notice or approval shall be required for the incorporation of the Authority or the amendment of its certificate of incorporation, the acquisition of any property or facilities, or the issuance of any bonds, mortgage and deed of trust, or trust indenture. The Authority, its facilities and other property, and the rates and charges thereof shall be exempt from all jurisdiction of, and all regulation and supervision by, the Public Service Commission. Neither a public hearing nor the consent of the State Department of Finance shall be prerequisite to the issuance of bonds by the Authority. Nothing herein shall be construed to repeal the requirement for obtaining the permit provided for in Section 22-23-2 of the Code of Alabama 1975, as amended.

Section 15. Use of Public Roads. The Authority is hereby authorized to use the rights of way of all public roads in the state without securing the prior approval of the state or of its agencies or departments or the governing body of any county and subject only to the necessity of obtaining the municipal consent required by Section 220 of the Constitution of Alabama, provided, however, that nothing herein shall be construed to exempt the Authority from the requirements of Section 23-1-53 of the Code of Alabama of 1975, as amended; and provided, further, that the Authority shall have the duty to restore at its expense all roads, highways and public rights of way in which it may have made excavations or done other work in laying pipes or performing any of its other corporate functions.

Section 16. Annual Reports. The board of directors of the Authority shall report annually to the governing body of Marion County and the City of Hamilton. Such reports shall include a statement of financial receipts and expenditures, and a summary of all activities and accomplishments for the period and proposed plans for the next year.

Section 17. Cooperation of State Agencies. All agencies of the state are hereby authorized and directed to extend their cooperation and lend assist-

ance to the Authority in the formulation and implementation of its development program.

Section 18. **Advisory Board.** For the purpose of coordinating its activities with the needs and undertakings of other local organizations and groups, the board of directors may establish an advisory board consisting of the chairman of the board of directors of the Authority (who shall be chairman of the advisory board), and of sufficient members to represent adequately so far as feasible industry, commerce, agriculture, recreation, the general public, any official planning and developmental bodies in the area, and organized citizens groups working for the development of the Buttahatchee River watershed.

Section 19. **Construction of Act.** The act shall be considered supplemental and additional to any and all other laws and confers sufficient power in and of itself for the purposes set forth herein. This act shall be liberally construed to effectuate its purpose of facilitating the development of the resources of the Buttahatchee River watershed.

Section 20. **Severance in Event of Partial Invalidity.** If any provision of this act or application thereof to any person or circumstances should be held invalid, such invalidity shall not affect any other provisions or application of the act which can be given without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Section 21. **Enabling Legislation; When Effective.** This act is intended to implement the provisions of an amendment to the Constitution of Alabama, as proposed by the current session of the Legislature, relating to the subject expressed therein, and is enacted pursuant thereto. If the constitutional amendment is ratified, as provided therein, this act shall thereupon become effective immediately; if the proposed amendment is not ratified, this act shall have no effect.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

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#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 642. Proposing an amendment to the Constitution of Alabama relative to the Buttahatchee River Watershed Area.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Fine, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 642, the title of which is set out in the foregoing Message from the House, to-wit:

## SUBSTITUTE FOR S. B. 642

A BILL  
TO BE ENTITLED  
AN ACT

Proposing an amendment to the Constitution of Alabama relative to the Upper Buttahatchee River Watershed Area.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

## PROPOSED AMENDMENT

The Legislature may by general, special, private or local laws authorize the formation in any manner of a public corporation for the development of the Buttahatchee River, its tributaries and watershed, for the purposes of navigation, water conservation and supply, flood control, irrigation, industrial development, public recreation, and related purposes, and may authorize Marion County and all municipalities lying within Marion County to donate or contribute public funds to such public corporation and may authorize such public corporation to enter into contracts with the United States of America or any agency thereof, and with the several states or political subdivisions thereof, and with other public or private corporations organized within any of the several states, for the development of the Upper Buttahatchee River Watershed, and may authorize such public corporation to acquire by purchase, construction, lease, gift, condemnation, or otherwise, property of any kind, real, personal or mixed, to mortgage or sell its property and to issue revenue bonds and other revenue securities payable solely out of revenues accruing to such public corporation, and may exempt such public corporation from all taxation in the State of Alabama, and may grant such public corporation all other powers and privileges which may be necessary and proper for the full development of said Upper Buttahatchee River Watershed. Nothing herein shall be construed to authorize the acquisition by eminent domain of any real property or interest therein previously dedicated to public use. The provisions of Sections 106, 222 and 225 of the Constitution of Alabama shall not apply to any public corporation which may be organized pursuant to enabling legislation herein authorized or to any revenue bonds and other revenue securities at any time issued by such public corporation. Such public corporation shall be deemed a political subdivision of the State of Alabama. Nothing herein shall authorize any such public corporation to engage in or finance, directly or indirectly, the production, transmission, or sale of electric power. The area comprising the Upper Buttahatchee River Watershed shall include such land defined in enabling legislation herein authorized as shall lie within Marion County. Any such law as herein authorized which has been heretofore enacted for which no notice and proof of publication was submitted as required by Section 106 of the Constitution is hereby validated and confirmed.

This article of amendment shall not become operative unless the same is approved by a majority of the qualified electors of Marion County who vote thereon upon its submission, except that if this article of amendment is approved statewide but not approved by a majority of the qualified electors of Marion County upon its submission, the question can again be submitted to the qualified electors of Marion County at a local election called for such purpose by the County Commission of Marion County not sooner than two (2) years after the initial constitutional amendment election, and if approved by a majority of the qualified electors of Marion County at such local election, this article of amendment shall then become operative.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 17, Title 17 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, King, Little, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

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### MOTION TO RECONSIDER

Mr. Baker moved that the Senate reconsider the vote by which the Bill, S. B. 739, was passed.

On motion of Mr. Owen, the motion to reconsider was laid on the table.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 415. AUTHORIZING THE NAME OF THE UNIVERSITY OF ALABAMA BASEBALL FIELD, NOW CALLED "THOMAS FIELD" THE "SEWELL-THOMAS FIELD."

JOHN W. PEMBERTON,  
Clerk.

UNFINISHED BUSINESS  
BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

H. 119. To provide, in addition to benefits now received, a cost-of-living increase in retirement benefits for persons retired or otherwise receiving benefits under the state employees' or teachers' retirement systems prior to October 1, 1977; to specifically exclude certain persons from the provisions hereof; to make the provisions hereof optional to each county or municipality having retired employees participating in either state retirement system; to make appropriations to carry out the provisions hereof; and to repeal conflicting laws.

The question was on the substitute reported by the Standing Committee on Finance and Taxation, which said substitute is set out in the Journal of the Senate for the Twenty-fourth Legislative Day.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 160. To authorize and direct the Cullman County Commission to levy and provide for the collection of an additional tax on motor fuels, and to provide for distribution and use of proceeds from the tax.

Said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE  
OF CONFERENCE ON  
HOUSE BILL 160

We the committee of conference appointed to reconcile the disagreement between the two houses concerning the Senate's amendment to H. 160 have met, considered the bill as amended, and have agreed on the following report:

1. We recommend that the bill be substituted by the attached conference committee Substitute for H. 160, which is made a part of this report by reference, and then passed, as substituted, by both houses.

Respectfully submitted,

TOM DRAKE,

JOHN R. SPARKS,

TOMMY ED ROBERTS,

Conferees on the part of the House.

FINIS ST. JOHN,

J. RICHMOND PEARSON,

U. W. CLEMON,

Conferees on the part of the Senate.

CONFERENCE COMMITTEE  
SUBSTITUTE OF H. B. 160A BILL  
TO BE ENTITLED  
AN ACT

To authorize and direct the Cullman County Commission, subject to approval by the electors of the county voting at a referendum herein required, to levy and provide for the collection of an additional tax on motor fuels, and to provide for distribution and use of the proceeds from the tax.

Be It Enacted by the Legislature of Alabama:

Section 1. The Cullman County Commission is hereby authorized and directed to levy and provide for the collection, in addition to all other privilege taxes now levied in Cullman County, of a privilege tax on the business of selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county of gasoline, diesel oil, naphtha, and other liquid motor fuels or any device or substitute therefor, commonly used in internal combustion engines. Such tax shall be in the amount of one cent per gallon, provided, however, nothing contained herein shall be held to apply to the privilege of selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county of those products known commercially as "kerosene oil," "fuel oil," or "crude oil" commonly used for lighting, heating or industrial purposes, nor the privilege of selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in Cullman County of tractor fuel, gas oil, distillate or liquefied gas, kerosene and jet fuel even though these last mentioned oils and fuels may be used in internal combustion engines.

Section 2. The county commission shall provide for the tax levied pursuant to this Act to be collected in the same manner and at the same time and subject to the same rules and regulations that other county privilege taxes on the business of selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in Cullman County of gasoline, naphtha and other liquid motor fuels are collected.

Section 3. The net proceeds of the tax levied pursuant to this act shall be disbursed by the official charged with the duty of collecting the tax, on or before the 10th day of each month, as follows: Ten percent (10%) of said proceeds shall be paid over to the municipalities in the county, each municipality receiving a pro rata share based on the relationship its population bears to the combined populations of all such municipalities. The remainder of the net proceeds shall be paid over to the state highway department, to be maintained in a separate account and used by such department solely for the purpose of paving, repairing, maintaining or resurfacing county roads in Cullman County.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. The substantive provisions of this Act shall become operative only if approved by a majority of the electors of Cullman County voting in

a referendum election, which shall be held on the date of the first state-wide election held after adjournment of the 1978 Regular Session of the Legislature for the purpose of voting on proposed amendments to the Constitution. The governing body of Cullman County shall order and provide for the holding of the referendum on such date, and for canvassing the results thereof. On the ballot to be used at the election, the question shall be stated substantially as follows:

"Do you favor the local law providing for the levy and collection of an additional one cent per gallon tax on motor fuels in Cullman County? Yes ( ) No ( )"

If a majority of the votes cast at the election are "yes," then the provisions of Sections 1 through 5 of this Act shall become effective immediately. If a majority of the votes cast are "No," then this Act shall have no further force and effect.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE AND CONFERENCE MESSAGE

On motion of Mr. St. John, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 160, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Ellis, Fine, Foshee, Gilmore, King, Little, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

#### FURTHER CONSIDERATION OF H. B. 119

The Senate proceeded to further consideration of the Bill, H. B. 119.

The question was on the substitute reported by the Standing Committee on Finance and Taxation.

On motion of Mr. Foshee, further consideration of said Bill, H. B. 119, and pending substitute, was postponed until completion of the Twenty-sixth Legislative Day portion of the current special order (S. R. 431), as Unfinished Business.

#### SPECIAL ORDER

#### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

H. 854. To amend Code of Alabama 1975, Section 17-4-14, which relates to the preparation and publication of poll lists so as to change the dates of said publication.

Mr. Mitchell offered the following amendment to the Bill, H. B. 854, to-wit:

#### AMENDMENT TO H. B. 854

Amend House Bill 854 on page 1, line 27 by striking the numbers "17-4-14" and inserting in lieu thereof the numbers "17-4-17".

Which was adopted.

Yeas 21; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Foshee, Gilmore, Goodwin, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Powell, Proctor, Roberts, St. John, Shelby, Waldrop.

—21

*Nays:*

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Mr. Waldrop offered the following substitute for the Bill, H. B. 854, as amended, to-wit:

#### SUBSTITUTE FOR H. B. 854

##### A BILL TO BE ENTITLED AN ACT

To amend Code of Alabama 1975, Section 17-4-17, which relates to the preparation and publication of poll lists so as to change the dates of said publication; to further amend Section 17-4-25 which relates to clerical assistants and help for judge of probate and certain board of registrars.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1975, Section 17-4-17 is amended to read as follows:

Section 17-4-17. The judge of probate shall, from the registered list heretofore and hereafter returned to his office, excluding those names stricken therefrom, as shown by the list returned to him under the provisions of section 17-4-17, make correct alphabetical lists of all electors registered by precincts or by districts or other subdivisions thereof where any precinct has been divided or subdivided, if not within a city or incorporated town, and by wards and other subdivisions, if within a city or incorporated town, which list shall be certified by him officially to be a full and correct list of the registered electors, and no others, except for purposes of information, for each precinct, each district, each ward or each other subdivision, respectively, as the same appears from the returns of the registrars on file in his office. Such lists so made up shall be published by him in some newspaper with a general



circulation in the county on or before April 15 the twentieth day preceeding the regularly scheduled primary election in each even-numbered year, and together with said lists there shall also be published a certificate that said lists constitute the correct list of all qualified electors who will be entitled to vote in any election held in said county from the time of such publication until May September 1 of the next succeeding year, and also a notice that any voter duly registered whose name has been inadvertently or through mistake omitted therefrom and who has paid all taxes due and who is legally entitled to vote shall have 10 days from said publication to have his or her name entered upon said lists of qualified voters. If within such 10 days any voter shall reasonably satisfy said judge of probate by proper proof that any name should be added to such list, his or her name shall be added thereto, so that he or she may vote in the precinct, district, ward or other subdivision, where he is duly domiciled. An alphabetical list by precinct, or by district or other subdivision where the precinct has been divided or subdivided, if not within a city or incorporated town, and by wards and other subdivisions, if within a city or incorporated town, of those so added within 10 days shall be prepared and published by said judge of probate in some newspaper with a general circulation in said county on or before May 1 the seventh day preceeding the date of the primary election in each even-numbered year. Such alphabetical list of said voters, published by the judge of probate on or before April 15 the twentieth day preceeding the regularly scheduled primary election, together with the names added and published on or before May 1 the seventh day preceeding the date of the primary election, shall be the official list of voters qualified in each of the precincts, districts, wards or other subdivisions within the county for the next ensuing year, and until a new list is published; and no person whose name does not appear thereon shall be allowed to vote nor shall he or she be allowed to vote except in the precinct, district, ward or other subdivision in which his or her name appears on said list, unless such person complies with the qualifications prescribed by law for challenged voters. Provided, however, that only in 1978 any county which has published a list of qualified voters prior to the effective date of this act, the probate judge shall prepare and publish in some newspaper with a general circulation in said county, an alphabetical listing as hereinabove required, only on or before the seventh day preceeding the date of the primary election. In 1978 in such county this list, together with the list published prior to the effective date of this act shall be the official list of voters qualified in each of the precincts, districts, wards or other subdivisions within such county."

Section 2. Code of Alabama, 1975, Section 17-4-25 is amended to read as follows:

"Section 17-4-25. The judge of probate may employ such assistants and clerical help as may be necessary to complete and properly prepare the list of qualified electors which the judge of probate is required to furnish the election inspectors. Such assistants shall be paid out of the county treasury by warrants, drawn by the county commission on certificate of the probate judge, accompanied by the certificates of the person being paid, showing the amount is due under the provisions of this chapter but the entire amount spent for such assistants and clerical help shall not exceed a sum equal to the amount obtained by multiplying the number of names on said list by \$.05. Provided such assistants and clerical help shall be paid only the necessary and actual costs of compiling such lists and these actual costs are to be certified by the assistants and clerical help and judge of probate to the county commission. The judge of probate in all counties having a population of not less than 100,000 nor more than 350,000, according to the last or any sub-

sequent federal census, is hereby authorized and directed to employ a clerk to assist the board of registrars of said county. The duties of said clerk shall be to submit to the board of registrars revised election lists of said county by placing all persons in their proper ward or precincts and eliminating therefrom all deceased, nonresident and fictitious persons named upon said roll and those convicted of crime, and shall further attend to all clerical work of the board of registrars. Such clerk shall be paid a compensation out of the county treasury, of not more than \$250.00 per month, to be fixed by the judge of probate.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolution with the original Senate Bills and Senate Joint Resolution respectively, and finds same correctly enrolled, to-wit:

S. J. R. 415. AUTHORIZING THE NAMING OF THE UNIVERSITY OF ALABAMA BASEBALL FIELD, NOW CALLED "THOMAS FIELD" THE "SEWELL-THOMAS FIELD."

Also:

S. 593. To further regulate fire protection in Limestone County; to authorize the governing body of Limestone County, Alabama, to establish fire districts or a fire department for Limestone County; to authorize the adoption of a fire code for Limestone County; to authorize the levying and collecting of a fire tax and to otherwise authorize fire protection measures within Limestone County; and to prescribe punishment for violation of this act and regulations promulgated hereunder.

Also:

S. 667. Relating to the District Court for Russell County; authorizing the governing body of Russell County, in its discretion, to provide an expense allowance for the Judge of the District Court for Russell County not to exceed \$3,000.00 per year.

Also:

S. 689. Relating to Russell County; to change the method of compensating certain county officers, placing the officers on a salary and providing for a clerk hire allowance for each of such officers.

Also:

S. 691. To provide for the director's fee and expense allowance of the chairman and each member of the board of directors of the Jasper Utilities Board.

Also:

S. 600. To propose an amendment to the Constitution of Alabama, 1901, so as to authorize the governing body of Limestone County to establish

fire districts or a fire department for said county; to authorize the adoption of a fire code for Limestone County; to authorize the levying and collecting of a fire tax and to otherwise authorize fire protection measures within Limestone County; and to prescribe punishment for any violation of the provisions and regulations promulgated hereunder.

U. W. CLEMON,  
Chairman.

### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and Senate Joint Resolution, the titles of which are set out in the foregoing report from the Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 61. To amend Sections 22-21-130, 22-21-131, 22-21-133, 22-21-135, 22-21-141, 22-21-142, 22-21-144, 22-21-145, 22-21-149 and 22-21-152 of the Code of Alabama of 1975, so as to make it clear that hospital authorities heretofore organized under the provisions of Act No. 109 enacted at the 1961 Regular Session of the Legislature of Alabama, as well as hospital authorities organized under the provisions of Article 5 of Chapter 21 of Title 22 of the Code of Alabama of 1975, shall be governed exclusively by said Article 5, and that all such hospital authorities may issue bonds payable out of revenues derived from the operation as well as from the leasing of any one or more of its projects; to provide for the amendment of the certificate of incorporation of any such hospital authority and to specify certain matters that may be included in any such certificate of incorporation and in any amendment thereto; to authorize and provide for an increase in the number of members of the board of directors of any such authority and to specify the procedure for the election of any such new directors; to provide that certain members of the board of directors need not be residents of the municipality that authorized the incorporation of such authority; to provide that no member of the board of directors of any such authority shall be an officer of the county wherein the certificate of incorporation of such authority is filed; to exempt bonds and other obligations issued by any such authority from any usury or other laws regulating or limiting interest rates; to make more specific the provisions of said article dealing with refunding bonds and to specify the maximum principal amount of bonds for refunding purposes that may be issued by any such authority; to make permissive rather than mandatory the provisions of such article relating to pledging lease agreements as security for any bonds of any such authority; to provide that the trustee under any bond indenture of any such authority may be selected by the board without regard to the provisions of Chapter 25 of Title 36 of the Code of Alabama of 1975 or other similar law; to provide that proceeds from bonds issued by any such authority may be used for the cost of feasibility studies and for funding a debt service reserve and that any such authority may capitalize, from bond proceeds, interest on the

bonds during the period required for construction and equipment of the project or improvements involved and for not more than two years after completion of such construction and equipment; and to provide that any such authority may invest unneeded funds in securities that are direct obligations of federal agencies, in interest-bearing bank time deposits and interest-bearing bank certificates of deposit and in interest-bearing time deposits and interest-bearing certificates of deposit of any federally-chartered savings and loan association.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 808. To alter and rearrange the boundaries of the municipality of Pelham in Shelby County, so as to include certain territory within the corporate limits of the city.

Also:

H. 585. To alter or rearrange the boundary lines of the City of Satsuma, Mobile County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama.

Also:

H. 937. Relating to Lawrence County; to further provide for the salaries of the Judge of Probate, the sheriff, the tax collector, the tax assessor and the coroner; and to provide for a temporary expense allowance for each officer elected to serve as the tax collector and the tax assessor.

JOHN W. PEMBERTON,  
Clerk.

#### FURTHER CONSIDERATION OF H. B. 854

The Senate proceeded to further consideration of the Bill, H. B. 854.

The question was on the substitute offered by Mr. Waldrop for the Bill, H. B. 854, as amended.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Gafford:

H. 10. To amend Section 9910 of Act No. 607, S. 33, 1977 Regular Session of the Alabama Legislature, commonly known as the "Alabama Criminal Code" so as to delay the effective date one additional year.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 10. To the Committee on Judiciary.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Williams and Sasser:

H. 1024. To name the Allied Health Building at George C. Wallace State Community College after Mrs. Nell Espy Gary.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1024. To the Committee on Finance and Taxation.

## FURTHER CONSIDERATION OF H. B. 854

The Senate proceeded to further consideration of the Bill, H. B. 854.

The question was on the substitute offered by Mr. Waldrop for the Bill, H. B. 854, as amended.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Merrill, Dial, Holmes (D), Shelton and Quarles (with notice and proof):

H. 883. Relating to Cleburne County; providing for the appointment of a part-time district attorney for such county; prescribing his qualifications; providing for his powers and duties; providing for payment of his compensation; giving this act retroactive effect; and providing for the nullity of this act at such time as general legislation providing funding for this position is enacted.

I hereby certify that this Notice & Proof is attached to the bill, H. B. 883, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. White, Biddle and Sasser:

H. 294. To amend Section 34-24-75 of the Code of Alabama, 1975, so as to provide for the issuing of limited certificates of qualification to practice medicine without examination to physicians enrolled in approved residency training programs.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 883. To the Committee on Local Legislation No. 1.

H. B. 294. To the Committee on Health and Welfare.

### REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives. I respectfully report the following Senate Bills delivered to the Governor and the Secretary of State, with the date and hour of delivery, to-wit:

S. B. 356                      S. B. 382

S. B. 379                      S. B. 472

S. B. 381                      S. B. 473

Delivered to the Governor, March 29, 1978, at 4:05 P.M.

S. B. 182

S. B. 547

Delivered to the Governor, March 30, 1978, at 4:35 P.M.

S. B. 336                      S. B. 471

S. B. 337                      S. B. 491

S. B. 338                      S. B. 527

S. B. 465                      S. B. 572

Delivered to the Governor, April 5, 1978, at 2:20 P.M.

S. B. 567

Delivered to the Secretary of State, April 5, 1978, at 2:30 P.M.

McDOWELL LEE,  
Secretary.

## SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

## ADJOURNMENT

At 5:50 P.M., on motion of Mr. Owen, pending further consideration of S. B. 759 and H. B.'s 119 and 854, the Senate adjourned until Thursday, April 6, 1978, at 10 o'clock A.M.

## TWENTY-SIXTH LEGISLATIVE DAY

THURSDAY, APRIL 6, 1978

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

## PRAYER

The Session was opened with prayer by the Reverend James E. Jones, Pastor, Eastern Hills Baptist Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—32

## JOURNAL

On motion of Mr. Peden, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

U. W. CLEMON,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. Clemon, the foregoing report was concurred in and the

Journal of the Senate for the Twenty-fifth Legislative Day was approved by the Senate.

#### LEAVE OF ABSENCE

On motion of Mr. Peden, leave of absence was granted Messrs. McDonald (S), Perloff and Roberts for today.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Gafford:

H. 342. To amend the Code of Alabama 1975, sections 40-16-1, 40-16-3, 40-16-4, and 40-16-5, so as to qualify the common parent corporation of a controlled group of financial institutions recognized as a registered bank holding company, as a financial institution as defined in the Code of Alabama 1975, Financial Institution Excise Tax, section 40-16-1, for excise tax purposes and thus exempt from income taxes; so as to prevent taxation of intercompany dividends within such a controlled group of corporations; so as to change the due date of the return required by the department of revenue from within the first 10 days of April in each year, to April 15 of each year; so as to permit qualified controlled corporate groups currently required to file Alabama excise tax returns on a separate basis to file on a consolidated basis; so as to establish a *prima facie* liability for the amount of excise tax due in accordance with the amount shown to be due by the taxpayer's return; so as to change the due date for the payment of the excise tax assessed from within 30 days of notice of assessment by the department of revenue to April 15 of each year, to provide an interest penalty upon delinquent unpaid balances after April 15, and to provide installment payments in the case of an extension of the due date of the return; so as to provide a statutory period of limitations upon assessment and collection of excise taxes; so as to repeal conflicting laws; and so as to give this Act retroactive effect.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 342. To the Committee on Banking.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Crowe and Owens:

H. 332. To amend Section 40-12-270 of the Code of Alabama 1975, so as to make further provisions as to the use of that portion distributed to the



state of the proceeds of the motor vehicle license taxes and registration fees imposed by Division 1, Article 5 of Chapter 12, Title 40, Code of Alabama 1975, as amended.

Also:

By Messrs. Crowe and Owens:

H. 333. To make further provision for the issuance of bonds by Alabama Highway Finance Corporation by (i) amending Section 23-1-177 of the Code of Alabama 1975 so as to limit to Twenty-five Million Dollars the principal amount of bonds (other than refunding bonds) authorized to be issued by the said corporation after February 1, 1978, and so as to provide that no bond issued under Article 7 of Chapter 1 of Title 23 of the said Code may mature later than twenty years from its date, (ii) supplementing the said Article 7 by the appropriation and pledge of funds necessary to pay the principal of and the interest on bonds issued after February 1, 1978, under the said Article 7, and specifying the rank or precedence of the pledges for the benefit of the said bonds, and (iii) repealing Section 9 of Act No. 228 adopted at the 1965 Regular Session of the Legislature.

Also:

By Messrs. Crowe and Owens:

H. 334. To amend Article 1, Chapter 17 of Title 40 of the Code of Alabama 1975 (relating to the excise tax on motor fuel as defined in the said Article 1), so as to make further provision for the disposition of the proceeds of the tax levied thereby.

Also:

By Messrs. Crowe and Owens:

H. 335. To amend Division 2, Article 2 of Chapter 17 of Title 40 of the Code of Alabama 1975 so as to make further provisions as to the distribution of the proceeds of the highway gasoline tax, as that term is defined in the said Division.

Also:

By Messrs. Crowe and Owens:

H. 336. To amend Section 15 of Act No. 565 adopted at the 1976 Regular Session of the Legislature so as to clarify the said section; so as to provide that the pledges, provided for in the said Act No. 565, as amended by this act, of proceeds from certain taxes and fees as security for \$212,000,000 principal amount of obligations of Alabama Federal Aid Highway Finance Authority will be subject and subordinate not only to existing prior pledges but also to (i) all pledges of proceeds from the said taxes and fees that may hereafter be made as security for \$25,000,000 principal amount of bonds of Alabama Highway Finance Corporation and (ii) all pledges of the said proceeds that may be made after December 1, 1977, for the benefit of certain refunding bonds; and so as to delete the portion of the said Section 15 that provides for the pledge, for the benefit of obligations issued under the said Act No. 565, of the registration fee imposed by subdivision (5) of Section 37-3-32 of the Code of Alabama 1975.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 332, 333, 334, 335, and 336. To the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Martin, Lee, Owens, Hill, Carter, Cross, Moore (O), Roberts, Cates, Naramore, Kinsey, Smith (M), Crowe, Greer, Coburn, Folmar, Gregg and Williams:

H. 426. Relating to voter registration; to provide for a board of registrars, their duties, terms and compensation; to provide for the registration of electors; to provide for clerical help and office supplies for registrars; to provide for meetings and times and places of registration by the board; to provide penalties for certain violations; to provide for the publication of the list of registered voters; to provide for deputy registrars; and to repeal Code of Alabama, 1975, Sections 17-3-1 through 17-4-24, 17-4-40 through 17-4-47, 17-4-60 through 17-4-67 and other conflicting laws.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 426. To the Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Holmes (D):

H. 711. To authorize counties and incorporated municipalities in this state to form a regional, nonprofit, public corporation which will provide for the temporary care and custody of youths who have been placed under the jurisdiction of a juvenile court; to provide for the chartering and general organizational structure of such corporation; to authorize governing bodies of such counties and municipalities to appropriate monies for the support of such corporation's facilities and programs; to provide for local control by the corporation's board of directors of the operation of any of such corporation's facilities and programs and to provide certain tax exemptions for such corporation.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 711. To the Committee on Judiciary.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Falkenburg, Clark, Armstrong, Roberts, Carter, Biddle, McNees, White, Andrews, Hopping, Trammell, Moore (O), Riddick, McCluskey and Gafford:

H. 179. To provide that Alabama enter into the Interstate Agreement on Detainers Act, with other member-states, which promotes cooperation between the several states to secure a speedy trial of persons already incarcerated in other jurisdictions by the expeditious and orderly disposition of all detainers based on untried indictments, information or complaints; and to further provide for the uniform mandatory disposition of detainers so as to prescribe the manner and procedures for release of detainers available to incarcerated persons against whom there is pending untried indictments, information or complaints.

Also:

By Messrs. Glass, Owens, Waggoner, Whatley, Sasser, Naramore and Crowe:

H. 818. To authorize the county commission of any county to establish Industrial Parks within the county; to provide for the designation and regulation of such Industrial Parks; to designate the facilities to be furnished and maintained by the Industrial Parks; to exempt Industrial Parks from annexation by municipalities; to exempt Industrial Parks from being included in the police jurisdiction of municipalities; and to confirm the rights and responsibilities of county commissions, including the right of taxation.

Also:

By Messrs. Shelton and Holmes (D):

H. 262. To create and define the criminal offense of discharging a firearm into an occupied dwelling and to prescribe criminal penalties therefor.

Also:

By Messrs. Biddle and Falkenburg:

H. 443. To amend Section 36-22-17 of the Code of Alabama, 1975, to provide for the disposition of all fees, commissions, percentages, allowances, charges and court costs heretofore collectible for the use of the sheriff and his deputies.

Also:

By Mr. Smith (C):

H. 11. To provide that any person who produces, displays, disseminates, or possesses with intent to disseminate obscene matter displaying or depicting children under the age of seventeen years engaged in lewd sexual activity or any parent or guardian who knowingly permits their child to be depicted therein shall be guilty of a felony and punished as provided herein, to provide a method of proof that such child is under the age of seventeen, to provide that possession of six or more copies of the same obscene material is prima facie evidence of intent to disseminate the same and to provide for the forfeiture and condemnation of certain property used in or related to the defined crimes, and to provide definitions for its provisions.

Also:

By Mr. Naramore:

H. 150. To amend the act proposed by H. B. 1134 of the 1977 Regular Session, which is entitled "An Act To provide for a pay increase for sworn law enforcement officers with full peace officer authority in the service of the state, and to appropriate necessary funds," so as to add certain other sworn law enforcement officers to the list whose compensation will be increased.

Also:

By Messrs. Baker, Dial, Edwards, Cates, Carothers, Williams, Crawford, Smith (M), Sasser, Pegues, Turnham and Gafford:

H. 435. To amend Section 32-6-130, Code of Alabama 1975 which provides for the issuance of special license plates by the Probate Judge of the County to disabled veterans so as to include veterans whose disability exceeds 50% and to increase the cost of such tags from one dollar to five dollars.

Also:

By Messrs. Crawford, Baker, Sasser, Smith (M), Whatley, Smith (J) and Williams:

H. 869. To authorize the execution of, and to give advance approval to, a compact between the State of Alabama and the State of Georgia to identify, acquire, own, transport, renovate, maintain, and exhibit historic or military articles, exhibits and attractions; to promote tourism throughout the Chattahoochee Valley; to establish a joint agency to be known as the Historic Chattahoochee Commission and other offices for the administration of the compact; to prescribe the authority, powers, duties and functions of the Commission and its members, officers, and committees; and to provide penalties for violation of certain provisions of the compact.

Also:

By Messrs. Moore (O), Waggoner and Dial:

H. 575. Relating to the eighteenth judicial circuit; providing for an additional circuit court judge in such circuit and prescribing the duties, authority, and compensation of such judge.

Also:

By Mr. Owens:

H. 363. To amend Section 4-2-45 of the Code of Alabama, 1975, which regulates the disbursement of funds of the state department of aeronautics, so as to further regulate such disbursement and the management of certain funds.

Also:

By Messrs. Plaster, Barron and Owens:

H. 133. To amend Section 1 of Act No. 208, S. 34, Special Session 1966 [Acts 1966, p. 256, now appearing in Code of Alabama, Recompiled 1958, Title 55, Section 378(2)], as amended, entitled: "An Act To authorize, regulate and provide for the payment by the State of Alabama of compensation to the surviving dependents of certain peace or law enforcement officers and certain firemen who are killed or whose death results from an injury received in the course of his employment and while he is engaged in the performance of his duties; to designate the state board of adjustment as the state agency or awarding authority to hear, determine and order the payment of claims for compensation hereunder; to make an appropriation for payment of awards," so as to redefine the term "peace officer" to include employees of any alcoholic beverage control board liquor store while transporting receipts from said store to a bank or similar institution and to correct a typographical error in the act.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 179, 262, and 11. To the Committee on Judiciary.

H. B.'s 818 and 443. To the Committee on Rules.

H. B.'s 150, 435, 869, 575, 363, and 133. To the Committee on Finance and Taxation.

### REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Carothers:

H. 152. To provide bidding procedures and contents thereof in connection with the licensing of motion pictures, to provide that once bids are solicited, the distributor may license the picture only by bidding, to prohibit the practice of "blind bidding" and to provide penalties for violation of this Act, including damages and attorneys fees.

Mr. Pearson, Chairman of the Standing Committee on Conservation, reported that said committee, in session, had acted on the following bill and

ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Ellis, Perry and McMillan (With Amendment):

S. 492. To establish a register of outstanding landmarks, structures, sites and objects of historical and/or architectural and/or archaeological significance to be maintained by the Alabama Historical Commission; to establish criteria for said register; and to make provision for the protection of said landmarks.

Mr. Pearson, Chairman of the Standing Committee on Conservation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and place on the calendar, to-wit:

By Mr. Mims:

S. 325. To prohibit the purchase or sale of green hides, raw furs or pelts of a red fox; and to provide penalties for violation of this act.

By Mr. Mims:

S. 654. Relating to fish, game and wildlife; making it unlawful to use or possess leg-hold or killer-type traps in this state and prescribing penalty for violation.

By Mr. Jones:

S. 730. To provide for the lawful destruction of any wild dog or coyote or cross-breed thereof found loose in the woods and fields of this state without a collar with name tag attached thereto during the months of March, April and May of each year.

By Messrs. Campbell and Manley:

H. 188. To provide for the appointment of an advisory board to advise the Alabama Historical Commission on the acquisition, maintenance, and protection of certain properties and objects of historical interest located at Fort Tombeckbee in Sumter County.

By Mr. Mims:

S. 653. Relating to fish, game and wildlife; making it unlawful to capture or take foxes in this state by trapping or shooting and providing penalty for violation.

Mr. Mitchell, Chairman of the Standing Committee on Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Mitchell, Teague, Bank, Mims and Powell:

S. 672. To amend Sections 27-1-4, 22-21-240, and 22-21-242 of the Code of Alabama 1975, so as to allow licensed dental practitioners in Alabama to establish, maintain, administer and operate a trust for the purpose of insuring against general public liability claims based upon acts or omissions of such dental practitioners.

Mr. Baker, Chairman of the Standing Committee on Local Legislation

No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Roberts:

S. 428. Relating to Mobile County; providing further for the government of the county; abolishing the three member county commission and creating a four member commission in lieu thereof; providing for the selection of the members of the commission, and prescribing their qualification, terms, and compensation; providing for the organization and jurisdiction of the commission, and the powers and duties of its individual members.

By Messrs. Mitchell and Powell (with notice and proof):

S. 758. Relating to Crenshaw County; to authorize, provide for the licensing, regulation, operation, and hunting on privately owned hunting preserves, stocked by artificially propagated upland birds; to prescribe the fees for such licenses; to provide for their collection and distribution; and to provide for revocation of such licenses.

By Mr. McCulley (with notice and proof):

H. 985. Relating to Washington County; raising the sheriff's salary to \$18,000, beginning with the next term; repealing any expense allowances.

By Mr. McCulley (with notice and proof):

H. 986. Relating to Washington County; providing for service of jury summonses, witness subpoenas, notice of appointment of election officials and notice of tax liens by mail.

By Mr. McCulley (with notice and proof):

H. 1005. Relating to Washington County; to provide further for the compensation of poll officials and poll workers.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Ellis and Vacca (with notice and proof) (With Amendment):

S. 787. To further amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama of 1951, pp. 1579, et seq.), as heretofore amended, which said Act, as heretofore amended, is entitled "An Act to create or provide in or for each and every city of the State of Alabama having a population of two hundred fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinatedly, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system; to make the provisions of such system applicable on and after September 1, 1969, to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and to provide membership in the system for

certain employees of a Civic Center Authority in any county in which any such city may be located.”

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gilmore (with notice and proof):

S. 792. Relating to Jefferson County, to provide for a procedure for the payment of certain debts upon the annexation of all or a part of a fire district by any municipality of the county.

By Mr. Gilmore (with notice and proof):

S. 793. To repeal Act No. 604, H. 541, 1976 Regular Session (Acts 1976, p. 820) which act provides for the annexation of fire districts by municipal corporations in counties having populations of 600,000 or more according to the 1970 or any subsequent federal decennial census.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Falkenburg (with notice and proof) (With Amendment):

H. 651. To make it unlawful and constitute a misdemeanor to build, maintain or use an unsanitary sewage collection, treatment and disposal facility within Jefferson County, but excluding certain plumbing within municipalities and the unincorporated areas of the County; to authorize the Jefferson County Board of Health to adopt rules and regulations for the administration of this Act; to authorize the Jefferson County Board of Health to require the installation of required type and number of facilities; to require the submission of plans and specifications applying to sewage collection, treatment and disposal to the Jefferson County Board of Health; to provide for the approval of plans and specifications and issuance of permits for construction; to require certificates of competency, issued by the Jefferson County Board of Health, before any person, firm or corporation shall install, repair, clean or maintain any on-site waste-water disposal system; to provide the basis for issuing and revoking such certificates of competency; to require a surety bond to assure compliance with the provisions of this Act and the rules and regulations promulgated hereunder; to repeal all laws in conflict with this Act; and to provide penalties for violation of this Act, and certain rules and regulations.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Leonard (with notice and proof):

H. 758. Relating to any county having a population of 500,000 or more, according to the 1970 or any subsequent federal decennial census; providing further for the pay for the chief inspectors of voting boxes within said county.



By Mr. Waggoner, et al (with notice and proof):

H. 805. To further amend Section 10 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) establishing a retirement system for employees and officers of Jefferson County, Alabama, as heretofore amended.

By Mr. Waggoner, et al (with notice and proof):

H. 819. To further amend Section 12 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) establishing a retirement system for employees and officers of Jefferson County, Alabama, as heretofore amended.

By Mr. Leonard, et al (with notice and proof):

H. 894. To further amend Section 1 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) establishing a retirement system for employees and officers of Jefferson County, Alabama, as heretofore amended.

By Mr. Gafford (with notice and proof):

H. 901. To authorize the governing body of Jefferson County, Alabama to offer and pay a reward to any person furnishing information which leads to the arrest and conviction of any one, or more, of the offense of embezzling, stealing, willfully or maliciously destroying, or damaging, property of such County, the board of education of said County or of any agency of the County.

By Mr. Waggoner (with notice and proof):

H. 946. To further amend Act No. 79, H. 99, 1966 Special Session (Acts 1966, p. 106), which act provides for the creation and operation of districts for fire protection and certain other public services in Jefferson County, so as to provide that service charges levied by such districts shall be obligations of property owners of the district served.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gafford, et al (with notice and proof) (With Substitute):

H. 990. To provide for an Assistant Judge of Probate of Jefferson County and to prescribe the qualifications, duties and benefits of such Assistant Judge of Probate.

Mr. Gilmore, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Goodwin:

S. 414. To amend Section 23-1-6, Code of Alabama 1975, which provides for the highway department to regulate and control the placing of markers, signs, and advertising on the right-of-way of all state controlled

highways; to prohibit the placing of any commercial sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise on the right-of-way of any road, highway or bridge which is a part of the state highway system whether title to said right-of-way be vested in the State of Alabama in fee, by easement, adverse possession, prescription or by any other means in which title may vest; provide for removal of said signs and penalty for the violation of any provision of this act, and to repeal any and all laws that conflict with any provision of this act.

By Mr. Goodwin:

S. 417. To authorize the Highway Director to administer programs relative to mass transportation in rural and urban areas, to oversee federal assistance, to perform mass transit planning, to provide technical assistance to local entities for formulating transit projects; to assure that transit projects are in accordance with the comprehensive transportation planning process, to expend state funds apportioned by the legislature from time to time for mass transit, to develop and promulgate rules and regulations, and to administer mass transit programs with flexibility found to be in the public interest enacted by the Legislature of Alabama.

By Messrs. Foshee and Bank:

S. 725. To amend Sections 9-17-101, 9-17-102, 9-17-104, 9-17-105, 9-17-106, 9-17-107, 9-17-109 and 9-17-110 of the Code of Alabama 1975, so as to provide certain changes in the regulation of liquefied petroleum gas.

#### REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 512. COMMENDING MR. HAL BURNS OF BIRMINGHAM, ALABAMA.

H. J. R. 524. HONORING AND CONGRATULATING COACH OBA BELCHER OF ATHENS STATE COLLEGE.

H. J. R. 446. MOURNING THE DEATH OF JUDGE JOHN B. SCOTT.

H. J. R. 532. URGING THE ALABAMA CONGRESSIONAL DELEGATION TO IMMEDIATELY INVESTIGATE THE ANNOUNCED CONSOLIDATION OF MONTGOMERY'S MAXWELL AIR FORCE BASE WITH THE U. S. AIR FORCE TRAINING COMMAND.

H. J. R. 455. COMMENDING MRS. MARGARET BURNETT FOR HER OUTSTANDING CONTRIBUTIONS.

H. J. R. 456. COMMENDING MRS. CLARA S. CROWDER FOR HER OUTSTANDING CONTRIBUTIONS.

H. J. R. 549. CONGRATULATING JEFFERSON STATE WOMEN'S GYMNASTIC TEAM ON THEIR SECOND CONSECUTIVE NATIONAL CHAMPIONSHIP.

H. J. R. 107. TO OPPOSE THE ABOLITION OF THE NATIONAL FIRE ACADEMY AND THE NATIONAL FIRE PROTECTION & CONTROL ADMINISTRATION.

On motion of Mr. Ellis, the Resolution, H. J. R. 512, was concurred in and adopted by the Senate.

On motion of Mr. Fine, the Resolution, H. J. R. 524, was concurred in and adopted by the Senate.

On motion of Mr. Mitchell, the Resolutions, H. J. R.'s 446 and 532, were concurred in and adopted by the Senate.

On motion of Mr. Clemon, the Resolutions, H. J. R.'s 455 and 456, were concurred in and adopted by the Senate.

On motion of Mr. Vacca, the Resolution, H. J. R. 549, was concurred in and adopted by the Senate.

On motion of Mr. St. John, the Resolution, H. J. R. 107, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 257. To amend 1975 Code of Alabama, Section 28-3-16; so as to prohibit the advertising of alcoholic beverages by billboards in "dry" counties; and to permit such advertising in "wet" counties.

JOHN W. PEMBERTON,  
Clerk.

#### RECESS

At 10:25 A.M., on motion of Mr. Fine, the Senate took a recess until 12:30 this afternoon.

Yeas 13; Nays 9.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Fine, Gilmore, Goodwin, Jones, Mitchell, Owen, Peden, Powell, Teague.

—13

*Nays:*

Messrs. Foshee, Little, McMillan, Noonan, Proctor, St. John, Shelby, Stewart, Vacca.

—9

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

COMMUNICATION FROM THE SUPREME COURT  
THE STATE OF ALABAMA—JUDICIAL DEPARTMENT  
THE SUPREME COURT OF ALABAMA  
OCTOBER TERM, 1977/78

To the Members of the Senate  
of the State of Alabama  
State Capitol  
Montgomery, Alabama

Dear Sirs:

On April 5, 1978, we received from you copies of Senate Resolution 432, which reads, as follows:

"RESOLVED BY THE SENATE OF ALABAMA, That the Honorable Chief Justice and Associate Justices of the Supreme Court of Alabama, or a majority of them, are respectfully requested to give this body their written opinions concerning the following important constitutional question which has arisen in connection with the pending measure, S. B. 759, which is attached hereto and made a part hereof:

"Does Senate Bill 759 violate Section 70 of the Constitution of Alabama which provides that revenue raising bills shall originate in the House of Representatives?

"RESOLVED FURTHER, That the Secretary of the Senate is directed to send nine copies of S. B. 759 forthwith to the Clerk of the Supreme Court.

"By Mr. Peden, S. 759, RFD—F & T, RD 1—4-4-78

SYNOPSIS: This bill provides for the annual distribution to certain counties, municipalities and public agencies of a percentage of the amounts paid to the state by federal agencies in lieu of ad valorem taxes.

"A BILL  
TO BE ENTITLED  
AN ACT

"To provide for the annual distribution to certain counties, municipalities and public agencies of a percentage of the amount paid to the state by federal agencies in lieu of ad valorem taxes; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

"Section 1. Commencing for the fiscal year beginning October 1, 1979, twenty percent (20%) of any payments made to the state by any federal agencies in lieu of ad valorem taxes shall be paid back, to the counties, municipalities, and public agencies therein where the property is located as provided herein and in fiscal years beginning after such date the percent of payments back to the counties and municipalities shall be increased ten percent (10%) each fiscal year thereafter until eighty percent (80%) of the annual receipts are so distributed annually.

"Distribution herein provided shall be made to the governing bodies of said counties. However, the legislature may prescribe other distribution within such counties to local governments and public agencies therein.

"Any such payments by a federal agency which has as its principal business the production of power shall be distributed as follows:

"(A) Eighty percent of said amount shall be distributed among the counties in the same proportion that the amount of such agency's power sales revenue generated in each county, less direct sales by such agency to industry, bears to the total amount of such agency's power sales revenue generated in all counties of the state served by such agency.

"(B) Ten percent of said amount shall be distributed among the counties in the same proportion that the dollar value amount of such agency's properties and reservoir lands in each county bears to the total dollar value of all such agency's properties and reservoir lands in all counties served by such agency.

"(C) Ten percent of said amount shall be distributed among the counties in the same proportion that the amount of such agency's direct power sales to industry in each county bears to the total amount of such agency's power sales revenue generated in such manner in all counties of the state served by TVA.

"Section 2. Any amount received by any county directly from such agency as payment in lieu of taxes shall be paid over to the state for redistribution according to the formula provided in Section 1 hereof.

"Section 3. Any such payments by any other federal agencies shall be distributed on the basis of the value of the property located in a county. Any portion of a county's share of said payments is to be paid to the municipalities in the county in the same proportion that the population of each municipality bears to the population of the entire county. For the purposes of this section, the population of the county and each municipality therein shall be determined by the 1970 or any subsequent federal decennial census.

"Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

"Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

"Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

The answer to the question posed in Senate Resolution 432 is in the negative. Section 70, Constitution of Alabama, 1901, provides:

"All bills for raising revenue shall originate in the house of representatives. The governor, auditor, and attorney-general shall, before each regular session of the legislature, prepare a general revenue bill to be submitted to the legislature, for its information, and the secretary of state shall have printed for the use of the legislature a sufficient number of copies of the bill so prepared, which the governor shall transmit to the house of representatives as soon as organized, to be used or dealt with as that house may elect. The senate may propose amendments to revenue bills. No revenue bill shall be passed during the last five days of the session."

As we read Senate Bill 759, it would provide for the annual distribution to certain counties, municipalities and public agencies a percentage of the amount paid to the state by certain federal agencies in lieu of ad valorem taxes.

We are of the opinion that the bill proposes to change the distribution of certain funds which are received by the state, but we are of the opinion that the proposed bill is not a bill for raising revenue under the terms of Section 70 of the Constitution of Alabama, 1901. In *State ex rel. Franklin County v. Hester*, 224 Ala. 460, 140 So. 744 (1932), this court stated:

"The purpose of this suit is to test the constitutionality of the Act of July 22, 1931. Acts. p. 604.

"The title of that act purports to amend section 4 1/2 of the General Revenue Act of 1919, p. 284. No other feature of the act refers in terms to the Revenue Act of 1919. But it relates to the matter embraced in section 4 1/2 of the Revenue Act. That act created a trial tax of \$3 in every case in the circuit court and directed its payment into the general funds of the state treasury. The act of 1931 re-enacts the provisions for a trial tax fixing the same amount, but provides that one-half of it shall be paid to the state and one-half to the county, and that the clerk or register may retain a commission of 5 per cent. The act, therefore, does not raise, increase, or decrease revenue.

". . . We think it is clear that the mere fact that a bill proposes to change some features of the revenue act with respect to the disposition of funds raised under its terms does not make it a 'revenue bill' regulated by the provisions of Constitution section 70. Such a bill is not 'in the nature of a general revenue bill.' "

Respectfully submitted,

C. C. TORBERT, JR.,  
Chief Justice.

JAMES N. BLOODWORTH,

HUGH MADDOX,

RENEAU P. ALMON,

JANIE L. SHORES,

ERIC EMBRY,

SAM A. BEATTY,

Associate Justices.

#### OPINION RENDERED

The foregoing Communication from the Supreme Court of Alabama was read and ordered spread upon the Journal.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 257. To amend 1975 Code of Alabama, Section 28-3-16; so as to prohibit the advertising of alcoholic beverages by billboards in "dry" counties; and to permit such advertising in "wet" counties.

U. W. CLEMON,  
Chairman.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

## MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Alabama Surface Mining Reclamation Commission.

Respectfully submitted,

HENRY B. STEAGALL, II,  
Executive Secretary.

DONE THIS 6TH DAY OF APRIL, 1978.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed Allan W. Summers, Birmingham, Alabama, subject to your confirmation, as a member of the Alabama Surface Mining Reclamation Commission replacing Mr. G. William Noble, who has resigned, for the term expiring December 30, 1979.

Respectfully,

GEORGE C. WALLACE,  
Governor.

DONE THIS 6TH DAY OF APRIL, 1978.

## GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment on the Alabama Surface Mining Reclamation Commission, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 392. NAMING THE BRIDGE ON U. S. HIGHWAY 10 OVER FOSTER'S BRANCH IN COMMEMORATION OF GLENN MOODY.

Also:

H. J. R. 571. COMMENDING ALVIN FOX, JR. FOR OUTSTANDING ACHIEVEMENT.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 808. To alter and rearrange the boundaries of the municipality of Pelham in Shelby County, so as to include certain territory within the corporate limits of the city.

Also:

H. 585. To alter or rearrange the boundary lines of the City of Satsuma, Mobile County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama.

Also:

H. 61. To amend Sections 22-21-130, 22-21-131, 22-21-133, 22-21-135, 22-21-141, 22-21-142, 22-21-144, 22-21-145, 22-21-149 and 22-21-152 of the Code of Alabama of 1975, so as to make it clear that hospital authorities heretofore organized under the provisions of Act No. 109 enacted at the 1961 Regular Session of the Legislature of Alabama, as well as hospital authorities organized under the provisions of Article 5 of Chapter 21 of Title 22 of the Code of Alabama of 1975, shall be governed exclusively by said Article 5, and that all such hospital authorities may issue bonds payable out of revenues derived from the operation as well as from the leasing of any one or more of its projects; to provide for the amendment of the certificate of incorporation of any such hospital authority and to specify certain matters that may be included in any such certificate of incorporation and in any amendment thereto; to authorize and provide for an increase in the number of members of the board of directors of any such authority and to specify the procedure for the election of any such new directors; to provide that certain members of the board of directors need not be residents of the municipality that authorized



the incorporation of such authority; to provide that no member of the board of directors of any such authority shall be an officer of the county wherein the certificate of incorporation of such authority is filed; to exempt bonds and other obligations issued by any such authority from any usury or other laws regulating or limiting interest rates; to make more specific the provisions of said article dealing with refunding bonds and to specify the maximum principal amount of bonds for refunding purposes that may be issued by any such authority; to make permissive rather than mandatory the provisions of such article relating to pledging lease agreements as security for any bonds of any such authority; to provide that the trustee under any bond indenture of any such authority may be selected by the board without regard to the provisions of Chapter 25 of Title 36 of the Code of Alabama of 1975 or other similar law; to provide that proceeds from bonds issued by any such authority may be used for the cost of feasibility studies and for funding a debt service reserve and that any such authority may capitalize, from bond proceeds, interest on the bonds during the period required for construction and equipment of the project or improvements involved and for not more than two years after completion of such construction and equipment; and to provide that any such authority may invest unneeded funds in securities that are direct obligations of federal agencies, in interest-bearing bank time deposits and interest-bearing bank certificates of deposit and in interest-bearing time deposits and interest-bearing certificates of deposit of any federally-chartered savings and loan association.

Also:

H. 937. Relating to Lawrence County; to further provide for the salaries of the Judge of Probate, the sheriff, the tax collector, the tax assessor and the coroner; and to provide for a temporary expense allowance for each officer elected to serve as the tax collector and the tax assessor.

Also:

H. 903. To repeal Act No. 723, H. 1207, Regular Session 1976 (Acts of 1976, p. 1006), entitled "An Act To provide an additional expense allowance for the county coroner of all counties having populations of not less than 15,625 nor more than 15,850 inhabitants according to the 1970 or any subsequent federal decennial census."

Also:

H. 906. To amend Section 6 of Act No. 789, H. 1328, Regular Session 1977 (Acts 1977, p. 1363), which provides for a personnel board for employees of county law enforcement offices in Shelby County, so as to provide further for the compensation of members of such board.

Also:

H. 927. To amend Act 917, H. 1937, approved October 8, 1975, which authorizes the County Commission, Board of Revenue, or other Geneva County governing body to provide clerk-hire allowance for the Tax Assessor and the Tax Collector of Geneva County so as to increase the amount of such allowances.

Also:

H. 979. Relating to Elmore County; providing further for the salaries and expense allowances of the deputies of the sheriff's department, and providing payment out of county funds.

Also:

H. 744. Relating to Dallas County; to provide a District Attorney's Fund for Dallas County; and to provide an expense supplement for the District Attorney, Deputy District Attorney or the Assistant District Attorney serving as Deputy District Attorney and the part-time Assistant District Attorney for Dallas County from the District Attorney's Fund.

Also:

H. 745. Relating to Dallas County; further regulating the handling and expenditures of certain court fees accruing to Dallas County; establishing the Dallas County Law Library Fund and authorizing the expenditures of such funds; creating the Dallas County Law Library Board and providing for its appointment, powers and duties; providing for taxation of \$3.00 court costs as a law library fee in all criminal, quasi-criminal, or civil cases or other proceedings in the circuit court, district court, and small claims court of Dallas County; and repealing certain laws of Dallas County relating to the county and circuit courts.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 770. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineer in certain counties of this state.

Also:

H. 663. To alter and rearrange the boundaries of the city of Alexander City in Tallapoosa County, so as to exclude certain territory from the corporate limits of the city.

Also:

H. 794. Relating to Clarke County; to provide further for the compensation of the members of the county governing body.

Also:

H. 821. Relating to Colbert County; authorizing the state highway department to use county road funds to maintain mail routes, school bus routes and church and public cemetery roads.

Also:

H. 827. Relating to Colbert County; to provide an additional expense allowance for the members of the board of registrars; and to provide for retroactive effect.

Also:

H. 832. Relating to Colbert County; authorizing the county commission to require prior approval of subdivision road plats.

Also:

H. 839. Relating to Houston County; to repeal Act No. 936, H. 1064, 1975 Regular Session (Acts of 1975, p. 1955), entitled "To create the office of license commissioner in Houston County; to provide for his appointment and future election; to fix his compensation and allowance, prescribe his duties, define his powers and provide for the operation of his office."

Also:

H. 902. Relating to Conecuh County; to provide an additional expense allowance for the county coroner.

Also:

H. 630. Relating to Houston County; to prescribe the composition of the hospital board of said county; to ratify and confirm all previous acts of said board in approving and authorizing the sale of bonds for financing hospitals in said county and to provide for supplemental effect.

Also:

H. 822. Relating to Montgomery County; to change the method of compensating the tax assessor, placing said official on a salary basis; to provide that the fees, commissions and allowances provided such official shall be paid into the county treasury; and provide that the cost of the operation of the office of tax assessor shall be borne in part by the City of Montgomery.

Also:

H. 768. To authorize the governing body of Lee County, Alabama, to levy and collect special county privilege and license taxes, generally paralleling the state sales taxes provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama of 1975, as amended, and special county excise taxes generally paralleling the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama of 1975, as amended; to provide for the ascertainment, collection, payment, distribution and use of the proceeds of the said taxes if levied by the said governing body, and for the enforcement of this act by the State Department of Revenue; to specify the maximum duration for which any such taxes may be levied; to prescribe penalties and fix punishment for violations of this act; and to authorize the governing body of Lee County, Alabama, in its discretion, to call and hold an advisory election on the question of the levy of such taxes, which such election shall not be in any way binding on the said governing body.

Also:

H. 823. Relating to Montgomery County; to change the method of compensating the tax collector, placing said official on a salary basis; to provide that the fees, commissions and allowances provided such official

shall be paid into the county treasury; and provide that the cost of the operation of the office of tax collector shall be borne in part by the City of Montgomery.

Also:

H. 825. Relating to Montgomery County; to change the method of compensating the license inspector, placing said official on a salary basis; and to provide that the fees, commissions and allowances provided such official shall be paid into the county treasury.

Also:

H. 851. To authorize the governing body of Montgomery County to establish and maintain firefighting districts within such county; to enter into agreements with Volunteer Fire Departments within such county for fire protection and services; to set fees for fire protection services within said county; and to prescribe the manner of collection and distribution of such fees.

Also:

H. 919. To alter, rearrange and extend the boundary lines of corporate limits of the municipality of Citronelle in Mobile County.

Also:

H. 838. To alter and rearrange the boundaries of the municipality of Taylor in Houston County, so as to exclude certain territory from the corporate limits of the municipality.

Also:

H. 826. Relating to Montgomery County; providing penalties for littering a public thoroughfare.

Also:

H. 945. Relating to Coffee County; providing a lump sum expense allowance for members of the Board of Equalization.

Also:

H. 897. To amend Section 4.02 of Act No. 71, H. 114, Regular Session 1977 (Acts of 1977, p. 78), entitled "To permit any city in the State of Alabama having a population of not less than 23,000 nor more than 27,000 inhabitants according to the 1970 or any subsequent federal decennial census to adopt the council-manager form of municipal government, to provide for the calling and holding of elections to vote thereon, to provide for the election and term of the first council, to define the legal status, form of government and powers of the city, to provide for subsequent elections of members of the council, their number and their terms of office, to provide for the qualification, powers and authority of the council, the mayor and the city clerk, and for the election of the mayor and city clerk, to provide for the appointment and removal and to define the powers of the city manager, to provide for an annual budget, its preparation, submission, adoption and effect, to create and define the powers and duties of a department of finance and of the director thereof, to regulate purchases and contracts of the city, and to define their powers and authority, to set up the terms and effects of succession in government of any city adopting the council-manager form of government, to provide for the estab-

lishment and re-establishment of districts, to make various other provisions for such form of government of any such city, and to provide for the means of abandoning the council-manager form of government", so as to provide that the city manager shall have authority to appoint and remove officers and employees of any municipally owned public utility and any municipally owned service enterprise.

Also:

H. 942. To amend Section 6 of Act No. 801, H. 99, 1977 Regular Session (Acts of 1977, p. 1381) entitled, "An Act Further regulating the trapping of fur-bearing animals in the State of Alabama; amending Title 8, Section 91, Code of Alabama, 1940 (Recompiled 1958), so as to increase the fees chargeable for the issuance of trapping licenses, prescribing additional regulations relative to traps and designating additional criminal offenses relative to trapping of fur-bearing animals; placing strict civil liability upon persons who cause injury or damages to persons or property as a result of trapping fur-bearing animals; further regulating the trapping of fur-bearing animals on any state highway right-of-ways; providing that traps shall be checked on a periodic basis; prohibiting the suspending of bait over steel traps; prescribing criminal penalties; and requires certain reports to be filed by trappers and fur dealers," so as to provide that the provision of Sections 2 and 3 of said act shall not apply to Limestone County.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their title had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 555. HONORING MRS. ADDINE DREW.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 160. To authorize and direct the Cullman County Commission, subject to approval by the electors of the county voting at a referendum herein required, to levy and provide for the collection of an additional tax on motor fuels, and to provide for distribution and use of the proceeds from the tax.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

## SPECIAL ORDER

## BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

S. 759. To provide for the annual distribution to certain counties, municipalities and public agencies of a percentage of the amount paid to the state by federal agencies in lieu of ad valorem taxes; and to repeal conflicting laws.

Mr. St. John offered the following amendment to the Bill, S. B. 759, to-wit:

## AMENDMENT TO S. B. 759

Amend Senate Bill No. 759 Page 2 Line 25, by striking out after the word "by" the letters "TVA" and inserting in lieu thereof the words "Tennessee Valley Authority".

Which was adopted.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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Mr. Peden offered the following substitute for the Bill, S. B. 759, as amended, to-wit:

## SUBSTITUTE FOR SENATE BILL 759, AS AMENDED

A BILL  
TO BE ENTITLED  
AN ACT

To provide further for the distribution of payments in lieu of taxes made to the state by the Tennessee Valley Authority.

Be It Enacted by the Legislature of Alabama:

Section 1. Commencing for the fiscal year beginning October 1, 1979, twenty per cent (20%) of any payments made to the state by the Tennessee Valley Authority in lieu of taxes shall be paid back, to the counties, municipalities, within the county which are served by such federal agency, and public agencies therein where the property is located as provided herein and in fiscal years beginning after such date the percent of payments back to the counties and municipalities within the county which are served by such federal agency shall be increased ten percent (10%) each fiscal year thereafter until eighty percent (80%) of the annual receipts are so distributed annually.

Section 2. Distribution herein provided shall be made to the governing bodies of said counties. However, the Legislature may prescribe by local act other distribution within such counties to local governments and public agencies therein. Unless otherwise prescribed by local act by the legislature, the county's share of said payments shall be divided between the county and the municipalities who are served by Tennessee Valley Authority in the same proportion that the population of the served municipalities bears to the population of those who are served by Tennessee Valley Authority within the county.

Any such payments by TVA shall be distributed as follows:

(A) Eighty percent of said amount shall be distributed among the counties in the same proportion that the amount of such agency's power sales revenue generated in each county, less direct sales by such agency to industry, bears to the total amount of such agency's power sales revenue generated in all counties of the state served by such agency.

(B) Ten percent of said amount shall be distributed among the counties in the same proportion that the dollar value amount of such agency's properties and reservoir lands in each county bears to the total dollar value of all such agency's properties and reservoir lands in all counties served by such agency.

(C) Ten percent of said amount shall be distributed among the counties in the same proportion that the amount of such agency's direct power sales to industry in each county bears to the total amount of such agency's power sales revenue generated in such manner in all counties of the state served by TVA.

Section 3. Any amount received by any county directly from such agency as payment in lieu of taxes shall be paid over to the state for redistribution according to the formula provided in Section 2 hereof.

Section 4. The provisions of this act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Lawrence Harris to the Alcoholic Beverage Control Board

On motion of Mr. Foshee, the appointment of Mr. Harris to the Alcoholic Beverage Control Board was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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### INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Perry (with notice and proof):

S. 797. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of Macon County; and providing for provisions of the amendment to be retroactive.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 797, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Perry (with notice and proof):

S. 798. To provide for the method of compensation by placing certain officers of Macon County on a salary and fixing the amount of compensation subject to the passage, ratification and proclamation by the Governor of an



amendment to the Alabama Constitution of 1901, to be effective retroactively or prospectively.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 798, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Messrs. Fine, Foshee, Owen and Mims:

S. 799. To provide that it shall be unlawful to commercially show or publish the obscene film entitled "The Many Faces of Jesus" or "The Love Affairs of Jesus" in the State of Alabama; and to prescribe penalties for violations.

Committee on Rules.

By Mr. Clemon (with notice and proof):

S. 800. To further amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama of 1951, pp. 1579 et seq.), as heretofore amended, which said Act, as heretofore amended, is entitled "An Act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system; to make the provisions of such system applicable on and after September 1, 1969, to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and to provide membership in the system for certain employees of a Civic Center Authority in any county in which any such city may be located."

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 800, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

BILLS ON THIRD READING RESUMED

The Bill:

S. 686. Relating to Jefferson County; to provide further for the compensation of constables in said county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perry, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

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*Nays:*

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The Bill:

S. 687. Proposing an amendment to the Constitution of 1901, as amended, so as to create the office of Assistant Judge of Probate of Jefferson County; prescribing the qualifications, duties and benefits for such office.

Was read a third time at length as required by the Constitution, and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perry, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

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*Nays:*

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The Bill:

S. 718. To provide for an Assistant Judge of Probate of Jefferson County and to prescribe the qualifications, duties and benefits of such Assistant Judge of Probate.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following substitute for the Bill, S. B. 718, to-wit:

#### COMMITTEE SUBSTITUTE FOR S. B. 718

#### A BILL TO BE ENTITLED AN ACT

To create the office of assistant judge of probate of Jefferson County; to prescribe the qualifications, duties and benefits for such office; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to the Office of Probate Judge of Jefferson County. There is hereby created the office of Assistant Judge of Probate in Jefferson County. Such judge shall be learned in the law, over the age of twenty-five years and a resident of Jefferson County for one year or more next preceding the date of taking office. He shall be appointed by the Judge of Probate from a list of three eligible persons selected and submitted to him as follows: If there is in such county a Judicial Commission pursuant to law or any amendment to the Constitution of Alabama to select eligibles for appointment to vacancies in the office of Circuit Judge in Jefferson County, the

Judicial Commission shall accept applications and submit the names of the three best qualified persons to the Judge of Probate, in the same manner as the Judicial Commission would select eligibles for appointment to a Circuit Judge vacancy. If there is no such Judicial Commission in Jefferson County, or if such Judicial Commission fails to act, then a committee composed of three members—(1) one of whom shall be a circuit judge of Jefferson County appointed by the presiding judge of the circuit court of Jefferson County, (2) one shall be a practicing lawyer experienced in probate court matters in Jefferson County to be appointed by the president of the Bar Association having the largest membership in Jefferson County, and (3) one shall be a non-member of the Bar Association appointed by the county commission or other county governing body—shall receive applications and certify the three deemed best qualified for such office. Vacancies shall be filled in like manner. The members of such Judicial Commission or other committee shall serve without compensation for such services.

Section 2. Under the general authority, supervision and direction of the Judge of Probate, such Assistant Judge shall be the administrative officer of such probate court, and further shall have the following authority and powers:

1. All of the powers, authority and responsibilities now vested or which may hereafter be vested by law in the chief clerk of such court.

2. All authority, powers, duties and responsibilities of the clerk-and-register of any such probate court, as provided in Act No. 558 of the Regular Session of 1959 of the Legislature of Alabama.

3. To serve as master and hold references in matters involving contested claims and ascertainties of condemnation awards, and make written report of the findings.

4. To appoint administrators ad litem and appoint notaries public and to appoint legal representatives for recipients of public assistance funds, when such duties and authority are vested in the judge of probate.

5. To hear and determine petitions for adoptions, change of names, legitimations, annexation and other municipal elections, and applications for commitment of mental patients.

6. To do all other acts and things and perform all other duties that the judge of probate could do and perform.

7. The Assistant Judge shall be a full-time employee and shall not engage in any other employment.

All of the official acts of such Assistant Judge of Probate shall be performed in his own name. The Assistant Judge of Probate may be appointed to serve as special judge of probate in accordance with such authority as is now provided by Section 12-13-37, Code of Alabama 1975.

Section 3. Such Assistant Judge of Probate, before he enters upon his duties, must take the oath directed to be taken by the officers of this state, and give bond, with surety, under the same conditions and penalties as are provided for the Probate Judge in Title 12, Chapter 13 of the Code of Alabama 1975, and other provisions of law applicable to such office in such county, the costs and expenses of which shall be paid for as costs of the official bonds for other county officers in such county are paid.

Section 4. The Assistant Judge of Probate shall be a county officer, and shall serve under the provisions of laws applicable to such office, and he shall

be entitled to the same benefits as other county officers are entitled. He shall be subject to the same liabilities, penalties and responsibilities for his acts as are provided by law for or on the Judge of Probate. The Assistant Judge (or Associate Judge) shall hold office for the term of the Judge appointing him, but subject to removal by the Judge for cause by order to be entered at length on the minutes of the court. The salary for the Assistant Probate Judge shall be equal to that of the district judge in Jefferson County and such salary shall be paid and increased or lowered as the salary for the district judge in Jefferson County is increased and lowered, and paid.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains. This Act is cumulative.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perry, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

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*Nays:*

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And said Bill, S. B. 718, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perry, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

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*Nays:*

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The Bill:

S. 729. To authorize and provide for the incorporation in Jefferson County of public corporations for the purpose of promoting the industrial development of the county and municipalities therein and particularly the development and commercial use of the inland waterways in such county through the acquisition and preparation of suitable wharves, docks, warehouses, and other port and related facilities, including roads, railroads, pipelines, conveyors, and facilities suitable for use as manufacturing plants, industrial plants, and leasing or letting such buildings, structures, or facilities; to provide for the appointment and compensation of directors of any

such authority; to provide for the powers, authorities and duties of any such authority and its board of directors; specifically to authorize any such authority to acquire, construct, operate, improve and finance wharves, docks, warehouses, and other port and related facilities, and specifically to apply to the United States Foreign Trade Zones Board for permission to establish, operate and maintain a foreign trade zone and, if such permission is granted, then to establish, operate and maintain such a foreign trade zone; to confer on such authority the power of eminent domain; to provide for the issuance by any such authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of the revenues of any facilities or other property of such authority, without regard to the facilities or property with respect to which such securities may have been issued; to provide that such securities shall constitute negotiable instruments; to regulate and provide further for the issuance of, security for (including the pledge of certain revenues and properties to the payment thereof), and use of the proceeds of such securities; to provide for refunding of such securities; to provide that such securities issued and contracts entered into by any such authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any port facilities or other property to any such authority; to exempt the property and income of any such authority, all securities issued by such authority and the income from such securities, and all conveyances, leases, mortgages and deeds of trust to which such authority is a party, from all taxation in the state, including license and excise taxes, levied by any county, municipality, or political subdivision of the state; to exempt such authority from payment of certain charges to judges of probate; to exempt every authority from certain tort liability; and to provide that certain employees of such authority shall be subject to and covered by any merit or civil service system applicable to the employees of the county and municipality by which the incorporation of the authority was authorized if there is such a system applicable to the employees of both the city and county, and, if there is no such system, then to either the county or municipal system, which the authority selects; and to provide for the dissolution of any such authority and the disposition of its property.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perry, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

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*Nays:*

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The Bill:

S. 743. Relating to Jefferson County; authorizing all incorporated municipalities within said county to grant certain municipal ad valorem tax

exemptions for up to fifteen years to owner-developers who build new commercial or industrial facilities on previously improved real property within the corporate limits of any such municipality located in said county; providing that such owner-developers receiving such exemptions shall, however, pay abatement property taxes assessed on not less than the highest value at which said property was assessed at anytime within five years prior to the grant of exemptions, and to provide for the procedures to be followed in the granting of such exemptions and in the determination of the amount of such abatement property taxes.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perry, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

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*Nays:*

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The Bill:

S. 757. To provide certain county salary supplements for all district judges serving within the Twenty-Eighth judicial circuit of this state and to provide for retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Owen, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

S. 764. Relating to Baldwin County; to provide for the compensation and allowances of the directors of certain utility boards heretofore or hereafter established in the county; and to make the provisions of this Act retroactive to January 1, 1978.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Jones, King, Little, Mims, Mitchell, Owen, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

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*Nays:*

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The Bill:

S. 774. Relating to Marion County; to authorize and require the county board of education to provide the superintendent of education an annual expense allowance; to provide retroactive effect; and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Goodwin, Jones, King, Little, McDonald (A), McMillan, Mims, Owen, Pearson, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca.

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*Nays:*

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The Bill:

H. 138. Relating to the practice of barbering in Madison County, Alabama; providing for the establishment of a County Board of Barber Examiners; providing further for the authority and duties of such board with respect to the licensing of barbers, barbers' apprentices, schools of barbering and owners and instructors thereof; providing for the appointment, terms and compensation of the members of such board; prescribing qualifications and fees of licensing of such board; providing rules and regulations and providing for the adoption by the board of rules and regulations; and declaring that the public health requires the necessity of the enactment of such provisions of law.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Foshee, Goodwin, King, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 947. To validate certain payments made to the registrar of Calhoun County pursuant to Act 194, 1967 Regular Session (Acts of 1967, p. 241) which were made from the effective date of the 1970 federal census to January 15, 1977.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, St. John, Stewart, Teague, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 981. Relating to Calhoun County; to increase the mileage compensation paid to individuals by the county commission.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Goodwin, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, St. John, Stewart, Teague, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 982. Relating to Calhoun County; to authorize the county commission to allocate county funds to assist rural fire departments.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, St. John, Stewart, Teague, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 1013. Relating to Tallapoosa County; to amend Section 1 of Act No. 487, S. 628, Regular Session 1969 (Acts of 1969, p. 948), entitled "Relating to Tallapoosa County; to regulate further the compensation and expense allowances of members of the county governing body", so as to increase the salary of the members of the county commission.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 1013, to-wit:



## COMMITTEE AMENDMENT TO H. B. 1013

Amend H. B. 1013 as follows:

On page 1, Section 1, line 31, remove the period after the word "month" and add the following words and figures:

and an expense and travel allowance of \$300 per month. Such salary and expense allowance shall be in lieu of all fees and allowances, including mileage, heretofore allowed by law to such commissioners.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Jones, Little, McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

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*Nays:*

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And said Bill, H. B. 1013, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Jones, Little, McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

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*Nays:*

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The Bill:

H. 502. To alter, rearrange, extend and fix the boundaries and limits of the City of Montgomery, Alabama; to provide for the assessment of ad valorem taxes in the property added when certain named services are provided; to require the County of Montgomery, Alabama, to maintain streets and roads in such added areas until same is assessed for ad valorem taxes by the City of Montgomery; to require that the provisions hereof shall become effective on January 1, 1980 and only upon approval of the electors of the County residing outside of the territory proposed to be annexed voting at a special referendum election held as hereinafter provided and further only upon approval of the electors residing within the territory proposed to be annexed voting by three separate areas, as hereinafter set out in full, at a special referendum election held as hereinafter provided; if at the said special referendum election the electors of the county residing outside of the territory proposed to be annexed vote in favor of annexation and if the electors residing in any one of the said three areas proposed to be annexed vote in favor of annexation then as to such area and only as to such area the provisions hereof shall become effective on the said effective date, and provided further that if the electors residing in any one of the three areas proposed to be annexed vote against annexation regardless of the result of the referendum election held in the county outside of the territory proposed to be

annexed then the provisions hereof shall have no further force and effect as to such area voting against annexation; to authorize the City of Montgomery to pay for the expenses of the election and to require the Probate Judge of Montgomery County to conduct the election after due notice thereof as herein provided; to require the Board of Registrars of Montgomery County to prepare poll lists for use at the election.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Jones, Little, McDonald (A), McMillan, Mitchell, Owen, Pearson, Peden, Powell, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

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*Nays:*

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The Bill:

H. 1014. Relating to Tallapoosa County; to amend Act No. 275, S. 470, Regular Session 1969 (Acts of 1969, p. 607), relating to the compensation of certain officers of Tallapoosa County, so as to further regulate the salaries of certain county officers.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, Jones, Little, McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 1026. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Butler, in Choctaw County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perry, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 1038. Relating to Clay County; to provide for the night hunting and taking of raccoons and opossums with the use of a light and/or shotgun using shot no larger than a number eight, or with a 22-caliber rimfire rifle using 22-caliber-short ammunition.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, St. John, Stewart, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 621. Relating to Calhoun County; to provide that certain homebaked or homemade goods shall not be subject to the regulations of any state or county health department.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Peden, Perry, Powell, Proctor, St. John, Stewart, Teague, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 589. Relating to Jackson County, Alabama and providing for semi-annual publication by the Jackson County Commission of a report showing the receipts and expenditures for said County, together with the indebtedness thereof; providing for the payment of the cost of such publication; repealing conflicting laws; and providing penalties for violating the provisions of said Act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Noonan, Owen, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

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*Nays:*

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The Bill:

H. 702. To authorize the governing body of Madison County, Alabama, to establish fire districts or a fire department for Madison County; to authorize the adoption of a fire code for Madison County; to authorize the levy of a fire tax and to otherwise authorize fire protection measures within Madison County; and to provide that this Act shall become effective upon the ratification of an amendment to the Constitution of Alabama which authorizes the provisions of this Act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, King, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 704. Pertaining to Madison County; to repeal Act Number 608, H. 1685, Regular Session 1973 (Acts p. 867) as amended by Act Number 435, H. 901, Regular Session 1975 (Acts p. 1045).

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, King, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 705. To propose an amendment to the Constitution of Alabama which, if approved by the electors of this state, would authorize the Legislature, by general or local law, to provide for the establishment of fire districts within Madison County to provide fire fighting and prevention services and to authorize the levy and collection of certain rates, fees, charges or taxes for the support of such districts.

was taken up.

Mr. King offered the following amendment to the Bill, H. B. 705, to-wit:

AMENDMENT TO H. B. 705

Amend House Bill No. 705 Page 2 Line 5, by striking out the first sentence and inserting in lieu thereof the following sentence:

"An election upon the proposed amendment is ordered to be held at the First General Election in 1978."

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Peden, Perry, Powell, Proctor, St. John, Shelby, Teague, Vacca, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 705, as thus amended, was read a third time at length as required by the Constitution, and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Peden, Perry, Powell, Proctor, St. John, Shelby, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 706. Pertaining to Madison County; to provide for the temporary release, at the court's discretion, of certain prisoners in county or city jails for the purpose of working at gainful employment or for other rehabilitative purposes; to provide that any person so released who fails to report for confinement as ordered shall be subject to punishment provided for escape; to provide for the payment by persons so released to the county of a portion of their net earnings and for the utilization of the funds derived therefrom; to provide for the Madison County Work Release and Pre-Trial Release Fund; to set standards for judicial officers in said county for the pre-trial release of those persons accused of crimes; to establish penalties for failure to appear or for violation of release conditions; to provide for the forfeiture of security deposited to insure the attendance of the defendant; to prohibit certain activities by persons engaged in the business of undertaking to act as surety on bail bonds in Madison County and to provide that certain acts by such persons shall constitute the crime of bribery; to prohibit any sheriff, deputy sheriff, policeman, peace officer, warrant magistrate, or persons otherwise having the authority to arrest or hold another person in custody from committing certain acts with respect to bail bond companies and providing that the same shall constitute the crime of bribery; to create a body to be known as the Madison County Work Release and Pre-Trial Release Commission; to provide for the membership of said Commission and for its power and duties; to provide for the transfer of certain funds now held for the account of certain pre-trial release and work release programs in Madison County; and to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 707. Pertaining to Madison County; to repeal Act Number 895, H. 159, Regular Session 1975 (Acts p. 1753).

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Ellis, Fine, Foshee, Gilmore, Goodwin, King, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 737. To repeal Act No. 1493, S. 1090, 1971 Regular Session (Acts of 1971, p. 2571), relating to the practice of barbering in counties having populations of not less than 175,000 nor more than 300,000; providing for the regulation of such practice through county boards of barber examiners; and providing for the organization and administration of said boards.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, McDonald (A), McMillan, Mims, Mitchell, Owen, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 778. To provide that the Madison County Commission may make appropriations to a legislative office to assist the Madison County Delegation to the Legislature of the State and provisions of the act shall be effective retroactively.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, King, McDonald (A), McMillan, Mims, Owen, Pearson, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 779. To provide that the Huntsville City Council may make appropriations to a legislative office to assist the Madison County Delegation to the Legislature of the State and provisions of the act shall be effective retroactively.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, King, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 904. To provide for a law enforcement officers' bill of rights for Madison County and all its municipal law enforcement agencies, and Firefighters of the City of Huntsville; defining certain rights of any officer or firefighter accused of misconduct; providing for adequate prior notice to officer or firefighter accused of misconduct when dismissal or demotion are involved; providing that any law enforcement officer or firefighter may bring civil suit for damages suffered while on official duty; providing that no officer or firefighter may have disciplinary action taken against him by reason of exercising the rights granted hereby; providing for the receipt and processing of all written complaints; and providing sanctions by the district attorney or state attorney by writ of injunction for non-compliance with the provisions of this Act; and repealing conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, King, McDonald (A), McMillan, Mims, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 885. To regulate further the compensation and the expense allowance of the County Superintendent of Education of Fayette County; and giving retroactive effect to such expense allowance.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Fine, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 886. To regulate further the expense allowance of the members of the Fayette County Commission and giving retroactive effect to such expense allowance.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Fine, Gilmore, Goodwin, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Pearson, Peden, Perry, Powell, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 887. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fayette, in Fayette County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Goodwin, King, Little, McDonald (A), McMillan, Mims, Noonan, Owen, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1017. To Provide for the City of Muscle Shoals, Alabama, a civil service system governing the appointment, removal, salaries, promotions, tenure, training and official conduct of employees of the police department,



fire department and city clerk's office of the city; defining violations of the Act, and imposing penalties for violations thereof.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, McMillan, Mims, Noonan, Owen, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1018. Relating to Franklin County, Alabama; authorizing the state highway department to use county funds to maintain and repair mail route roads, school bus routes and cemetery roads; maintain area to and around Franklin County sanitation containers; to determine and establish authority concerning certain other roads.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Goodwin, Jones, King, Little, McMillan, Mims, Mitchell, Owen, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 494. Relating to Lauderdale County; to further implement Section 9 of Act Number 160, 1971, and provide the Lauderdale County Commission the authority to employ appraisers, mappers, and clerical personnel to maintain current evaluation of all real property and valuation of personal property.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 978. Relating to Talladega County; to provide for the payment of a 40% supplementary salary to the district judges in Talladega County.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 978, to-wit:

COMMITTEE AMENDMENT TO H. B. 978

Amend H. B. 978, on page one, line 14 by changing the 40% to 30%.

Further amend on line 22 by changing the same 40% to 30%.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Proctor, St. John, Stewart, Teague, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 978, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Proctor, St. John, Stewart, Teague, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1019. Relating to Franklin County, Alabama; relating to certain authority and duties of the County District Engineer.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca.

—25

*Nays:*

—0

FURTHER CONSIDERATION OF S. B. 759

The Senate proceeded to further consideration of the Bill, S. B. 759, as amended.

The question was on the substitute offered by Mr. Peden.

### RESOLUTION

Messrs. Pearson and Clemon offered the following Senate Resolution, to-wit:

S. R. 434. COMMENDING ROSLYN CREWS OF A. H. PARKER HIGH SCHOOL, BIRMINGHAM, ALABAMA.

WHEREAS, the Senate of the Alabama Legislature has learned of the many outstanding accomplishments of Miss Roslyn Crews of Birmingham's A. H. Parker High School; and

WHEREAS, Miss Crews, a member of the National Honor Society, is a winner of the National Achievement Scholarship Program for Outstanding Students and also has been awarded first place honors in the Junior Division Science Fair; and

WHEREAS, she further serves on her school's yearbook staff as photographer and as Editor in Chief and is a member of the Student Government Association, Mu Alpha Theta Society, Marching Concert Band and the Drama Club; and

WHEREAS, Roslyn Crews, Parker High's "Miss Student Government Association," is an exceptionally talented young lady and superior student who is deserving indeed of high praise for outstanding achievement; now therefore,

BE IT RESOLVED BY THE SENATE OF THE ALABAMA LEGISLATURE, That we most highly commend Roslyn Crews for superior scholastic achievement and for the many honors of her high school career.

BE IT FURTHER RESOLVED, That Miss Crews received a copy of this resolution that she may know of our congratulations, warm best wishes and high praise.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Hines:

H. 3. To amend Section 40-20-2 of the Code of Alabama 1975 so as to increase the tax rate from 4% of gross value to 6% of gross value and to amend Section 40-20-8 of the Code of Alabama 1975 so as to provide that the increased collection shall be divided 50% to the counties in which the oil or gas is severed and 50% to the state general fund; to provide that such tax increase shall not apply to any well producing less than 26 barrels of oil per day; and to provide that the tax increase provided for by this act shall not apply to any new well that comes into production within a period of three years after the effective date of this act.

Also:

By Messrs. Sonnier and Sandusky:

H. 557. To authorize the establishment of public corporations with the power to cooperate with and lend financial assistance and other aid to municipalities, communities, counties, individuals and public and private corporations in matters and undertakings pertaining to the restoration, renovation, preservation, improvement, protection and maintenance of any public or private property within the state that has been listed in the National Register of Historic Places.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 3 and 557. To the Committee on Finance and Taxation.

### FURTHER CONSIDERATION OF S. B. 759

The Senate proceeded to further consideration of the Bill, S. B. 759, as amended.

The question was on the substitute offered by Mr. Peden.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Merrill, Holmes (D), Shelton and Quarles (with notice and proof):

H. 882. To amend Section 12 of Act No. 592, S. 456, Regular Session 1953 (Acts 1953, Page 838), entitled "An Act To Provide for the City of Anniston, in Calhoun County, a Civil Service System governing the appointment, removal, salaries, tenures and official conduct of employees of the City; defining violations of the Act, imposing penalties for violations; and repealing conflicting laws."

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 882, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Campbell and Manley (with notice and proof):

H. 905. Relating to Sumter County; to authorize the county commission to pay the salary of one clerk for each of the following county officers: probate judge, sheriff, tax collector, tax assessor and circuit clerk; such clerks to be appointed for a term and paid an amount established by the said county commission; and providing for an expiration date of such authority.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 905, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Manley and Clark (with notice and proof):

H. 1007. Relating to Hale County; to provide an optional and alternative method of assessing and paying taxes on and issuing license tags for motor vehicles in such county.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1007, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Sasser and Williams (with notice and proof):

H. 1046. Relating to Dale County; to authorize the county governing body to provide for the relief of county employees who suffered unpaid claims when the insurance company that the county had its hospitalization and medical insurance with went bankrupt; to provide further that the total amount of county funds expended under the provisions of this Act shall not exceed \$7,500.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1046, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Warren and McCorquodale (with notice and proof):

H. 1072. Relating to Monroe County; to allow the county commission and the governing body of each municipality in the county to contribute public funds to a volunteer rescue squad.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1072, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Warren and McCorquodale:

H. 1073. To repeal Act No. 564, H. 1321, 1977 Regular Session (Acts of 1977, p. 754), entitled "An Act Relating to all counties having a population of not less than 20,500 nor more than 21,500 according to the 1970 or any subsequent federal decennial census; to allow the county governing body and the governing body of each municipality in the county to contribute public funds to a volunteer rescue squad."

Also:

By Messrs. Warren and McCorquodale (with notice and proof):

H. 1074. Relating to Monroe County; to provide that the clerk of the tax assessor's office may be employed as clerk of the Monroe County board of equalization at a monthly compensation not to exceed \$100.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1074, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Merrill, Quarles, Shelton and Holmes (D) (with notice and proof):

H. 987. Relating to the offices of the tax assessor, tax collector, license commissioner, probate judge and coroner in Calhoun County; to authorize the tax assessor to appoint a deputy assessor; to authorize the tax collector to appoint a deputy tax collector; to authorize the license commissioner to appoint a deputy license commissioner; to authorize the probate judge to appoint a deputy probate judge; to authorize the coroner to appoint a deputy coroner; to establish the duties of such deputies; and to prescribe the respective salaries to be fixed by the county commission.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 987, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 882, 905, 1007, 1046, 1072, 1073, 1074, and 987. To the Committee on Local Legislation No. 1.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Turnham:

H. 769. To require the State Building Commission to adopt, promulgate and enforce a state building code which contains energy conservation measures; to provide that said code is to be used in all future construction or remodeling of buildings which are constructed with state appropriated funds; to prescribe duties for the director of the technical staff and to establish minimal energy conservation criteria.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 769. To the Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Holley and Folmar:

H. 767. To name the Fine Arts Building at Enterprise State Junior College, Coffee County, Alabama, the "B. A. Forrester Building"; unit one of said facility is already completed with two additional units scheduled for construction.

Also:

By Mr. Mitchem:

H. 994. To name the National Guard Armory at Albertville, Alabama, the "Robert C. Davis National Guard Armory"

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 767 and 994. To the Committee on Rules.

## FURTHER CONSIDERATION OF S. B. 759

The Senate proceeded to further consideration of the Bill, S. B. 759, as amended.

The question was on the substitute offered by Mr. Peden.

## REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 534. COMMENDING MISS DEBORAH ANN KELLEY, MISS ALABAMA NATIONAL TEENAGER.

H. J. R. 428. CONGRATULATING FFA AT FIFTY.

H. J. R. 97. COMMENDING JAMES L. RAY, JR., AWARD WINNING COUNTY ENGINEER.

H. J. R. 417. CONGRATULATING THE KIWANIS CLUB OF CLANTON, ALABAMA.

H. J. R. 96. HONORING HARRY WALKER WHO IS TO BE INDUCTED INTO THE ALABAMA SPORTS HALL OF FAME.

H. J. R. 89. CONGRATULATING WARRANT OFFICER CARROLL MISSILDINE.

H. J. R. 77. HONORING JAMES F. VICKREY, JR., PRESIDENT, UNIVERSITY OF MONTEVALLO.

H. J. R. 53. COMMENDING THE ALABAMA HIGHWAY DEPARTMENT FOR TOP NATIONAL HONORS RECEIVED.

H. J. R. 482. COMMENDING AND CONGRATULATING THE WINFIELD CITY HIGH SCHOOL'S GIRLS BASKETBALL TEAM, 1978 2A CHAMPIONS.

H. J. R. 481. COMMENDING SUSAN CUNNINGHAM FOR OUTSTANDING ATHLETIC ACHIEVEMENT.

S. J. R. 370. HONORING CORNELIUS W. LOWRY UPON HIS RETIREMENT.

H. J. R. 402. COMMENDING TERRY BINION, SELECTED FOR MEMBERSHIP IN THE NATIONAL HIGH SCHOOL HONORS BAND.

On motion of Mr. Fine, the Resolutions, H. J. R.'s 534, 428, 97, 417, 96, 89, 77, 53, 482, 481, and 402, were concurred in and adopted by the Senate.

On motion of Mr. Ellis, the Resolution, S. J. R. 370, was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 98. To amend Sections 23-1-271, 273, 275, 278, 279, 280 and 288, a part of the division of the 1975 Code of Alabama, known as the "Highway Beautification Act—Outdoor Advertising"; so as to provide control of outdoor advertising signs outside of an urban area beyond 660 feet of the right-of-way of interstate or primary highway systems; to provide for Court proceedings, evidentiary matters and procedures; to provide for just compensation for removal of such signs; to provide for a permit fee for the erection of such signs; and to provide penalties for violations.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Ellis, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 98, the title of which is set out in the foregoing Message from the House, to-wit:



## AMENDMENT TO S. B. 98

Amend Senate Bill 98 as follows:

By striking lines 4 through 9 on page 4, and substituting therefor the following:

"15. The term "urban area" means an urbanized area so designated by the Bureau of the Census, within boundaries fixed by responsible State and local officials, subject to approval by the Secretary of the United States Department of Transportation, or an urban place as designated by the Bureau of the Census having a population of five thousand or more and not within any urbanized area, within boundaries fixed by responsible State and local officials, subject to approval by the Secretary of the United States Department of Transportation.

On page 4, line 12 and page 5, line 8 and line 9 strike "October 1, 1971" and substitute therefor February 10, 1972.

By striking line 18, page 4, and by striking "other" from line 19, page 4 and adding directional and thereto. On page 4, line 23, following "which" strike "will." On page 4, line 35 after "section" add a period. Strike line 36, page 4.

On page 5, line 24; page 6, line 34; page 9, line 17; page 10, line 3; page 10, line 27; page 10, line 29; page 10, line 36; strike "1971" and substitute therefor 1972.

On page 11 after "a" on line 4 strike everything through line 7 and substitute therefor the following: Class C misdemeanor and shall upon conviction be punished as provided in Act No. 607, S. 33, 1977 Regular Session (Acts of 1977, p. 812).

By adding a new Section 2 on page 11 to read as follows: Section 2. The provisions of this Act are severable. If any provision is declared unconstitutional or invalid, such declaration shall not affect that portion which remains.

Renumber "Section 2" page 11 to read Section 3.

Yeas 28; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—28

*Nays:*

—0

## FURTHER CONSIDERATION OF S. B. 759

The Senate proceeded to further consideration of the Bill, S. B. 759, as amended.

The question was on the substitute offered by Mr. Peden.

And said substitute was then adopted by the Senate.

Yeas 28; Nays 2.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Higginbotham, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Proctor, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—28

*Nays:* Messrs. Jones, Powell

—2

Mr. Little offered the following amendment to the Bill, S. B. 759, as amended by the substitute, to-wit:

AMENDMENT TO S. B. 759, AS AMENDED

Amend Senate Bill 759, as amended, Page 1 by striking out on line 29 beginning with the word However and furthermore strike out all additional words, commas and periods thru the word legislature on line 32.

On motion of Mr. Peden, said amendment was laid on the table.

Yeas 21; Nays 8.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Fine, Foshee, Gilmore, Goodwin, King, McDonald (A), Mims, Mitchell, Owen, Pearson, Peden, Perry, St. John, Shelby, Vacca, Waldrop, Wilson.

—21

*Nays:*

Messrs. Jones, Little, McMillan, Noonan, Powell, Proctor, Stewart, Teague.

—8

And said Bill, S. B. 759, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 4.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McMillan, Mims, Pearson, Peden, Perry, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—27

*Nays:*

Messrs. Jones, Mitchell, Noonan, Powell

—4

Mr. Peden requested and received unanimous consent that the names of Messrs. St. John, Stewart, Baker, King, Waldrop, Shelby, Perry, and Edwards, be added as co-sponsors of the above Bill, S. B. 759.

Mr. Fine moved that the Senate reconsider the vote by which the Bill, S. B. 759, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

### UNFINISHED BUSINESS

The Senate proceeded to further consideration of the Unfinished Business for today, the second item of which was the Bill:

H. 119. To provide, in addition to benefits now received, a cost-of-living increase in retirement benefits for persons retired or otherwise receiving benefits under the state employees' or teachers' retirement systems prior to October 1, 1977; to specifically exclude certain persons from the provisions hereof; to make the provisions hereof optional to each county or municipality having retired employees participating in either state retirement system; to make appropriations to carry out the provisions hereof; and to repeal conflicting laws.

The question was on the substitute reported by the Standing Committee on Finance and Taxation, which said substitute is set out in the Journal of the Senate for the Twenty-fourth Legislative Day.

And said substitute was then adopted by the Senate.

Yeas 28; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Proctor, St. John, Shelby, Stewart, Teague, Waldrop, Wilson.

—28

*Nays:*

—0

And said Bill, H. B. 119, as thus amended by the substitute, was read a third time at length and passed.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Waldrop, Wilson.

—27

*Nays:*

—0

The Senate proceeded to consideration of the third item of Unfinished Business for today, which was the Bill:

H. 854. To amend Code of Alabama 1975, Section 17-4-14, which relates to the preparation and publication of poll lists so as to change the dates of said publication.

The question was on the substitute offered by Mr. Waldrop for the Bill,

H. B. 854, as amended, which said substitute is set out in the Journal of the Senate for the Twenty-fifth Legislative Day.

And said substitute was then lost.

Yeas 4; Nays 23.

*Yeas:* Messrs. Baker, Ellis, King, Waldrop.

—4

*Nays:*

Messrs. Adams, Edwards, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague.

—23

Mr. Waldrop then offered the following substitute for the Bill, H. B. 854, as amended, to-wit:

#### SUBSTITUTE FOR H. B. 854

##### A BILL TO BE ENTITLED AN ACT

To amend Code of Alabama 1975, Section 17-4-17, which relates to the preparation and publication of poll lists so as to change the dates of said publication; to further amend Section 17-4-25 which relates to clerical assistants and help for judge of probate and certain boards of registrars.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1975, Section 17-4-17 is amended to read as follows:

"Section 17-4-17. The judge of probate shall, from the registered list heretofore and hereafter returned to his office, excluding those names stricken therefrom, as shown by the list returned to him under the provisions of section 17-4-17, make correct alphabetical lists of all electors registered by precincts or by districts or other subdivisions thereof where any precinct has been divided or subdivided, if not within a city or incorporated town, and by wards and other subdivisions, if within a city or incorporated town, which list shall be certified by him officially to be a full and correct list of the registered electors, and no others, except for purposes of information, for each precinct, each district, each ward or each other subdivision, respectively, as the same appears from the returns of the registrars on file in his office. Such lists so made up shall be published by him in some newspaper with a general circulation in the county on or before April 15 the twentieth day preceding the regularly scheduled primary election in each even-numbered year, and together with said lists there shall also be published a certificate that said lists constitute the correct list of all qualified electors who will be entitled to vote in any election held in said county from the time of such publication until May September 1 of the next succeeding year, and also a notice that any voter duly registered whose name has been inadvertently or through mistake omitted therefrom and who has paid all taxes due and who is legally entitled to vote shall have 10 days from said publication to have his or her name entered upon said lists of qualified voters. If within such 10 days any voter shall reasonably satisfy said judge of probate by proper proof that any name should be added to such list, his or her name shall be added thereto, so that he

or she may vote in the precinct, district, ward or other subdivision, where he is duly domiciled. An alphabetical list by precinct, or by district or other subdivision where the precinct has been divided or subdivided, if not within a city or incorporated town, and by wards and other subdivisions, if within a city or incorporated town, of those so added within 10 days shall be prepared and published by said judge of probate in some newspaper with a general circulation in said county on or before May 1 the seventh day preceding the date of the primary election in each even-numbered year. Such alphabetical list of said voters, published by the judge of probate on or before April 15, The twentieth day preceding the regularly scheduled primary election, together with the names added and published on or before May 1 the seventh day preceding the date of the primary election, shall be the official list of voters qualified in each of the precincts, districts, wards or other subdivisions within the county for the next ensuing year, and until a new list is published; and no person whose name does not appear thereon shall be allowed to vote nor shall he or she be allowed to vote except in the precinct, district, ward or other subdivision in which his or her name appears on said list, unless such person complies with the qualifications prescribed by law for challenged voters.

Provided, however, that only in 1978 any county which has published a list of qualified voters prior to the effective date of this act, the probate judge shall prepare and publish in some newspaper with a general circulation in said county, an alphabetical listing as hereinabove required, only on or before the seventh day preceding the date of the primary election. In 1978 in such county this list, together with the list published prior to the effective date of this act shall be the official list of voters qualified in each of the precincts, districts, wards or other subdivisions within such county."

Section 2. Code of Alabama, 1975, Section 17-4-25 is amended to read as follows:

"Section 17-4-25. The judge of probate may employ such assistants and clerical help as may be necessary to complete and properly prepare the list of qualified electors which the judge of probate is required to furnish the election inspectors. Such assistants shall be paid out of the county treasury by warrants, drawn by the county commission on certificate of the probate judge, accompanied by the certificates of the person being paid, showing the amount is due under the provisions of this chapter; but the entire amount spent for such assistants and clerical help shall not exceed a sum equal to the amount obtained by multiplying the number of names on said list by \$.05. Provided however, such assistant and clerical help in Etowah and Cherokee counties shall be paid only the necessary and actual costs of compiling such lists and these actual costs are to be certified by the assistants and clerical help and judge of probate to the county commission. The judge of probate in all counties having a population of not less than 100,000 nor more than 350,000, according to the last or any subsequent federal census, is hereby authorized and directed to employ a clerk to assist the board of registrars of said county. The duties of said clerk shall be to submit to the board of registrars revised election lists of said county by placing all persons in their proper ward or precincts and eliminating therefrom all deceased, nonresident and fictitious persons named upon said roll and those convicted of crime, and shall further attend to all clerical work of the board of registrars. Such clerk shall be paid a compensation out of the county treasury, of not more than \$250.00 per month, to be fixed by the judge of probate."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. St. John, said substitute was laid on the table.

Yeas 12; Nays 4.

Abstaining 1.

*Yeas:*

Messrs. Adams, Edwards, Ellis, Fine, Mitchell, Owen, Pearson, Peden, Powell, St. John, Vacca.

—12

*Nays:* Messrs. Foshee, Jones, Proctor, Waldrop

—4

*Abstaining:* Mr. Little

—1

Mr. Waldrop then offered the following substitute for the Bill, H. B. 854, as amended, to-wit:

#### SUBSTITUTE FOR H. B. 854

#### A BILL TO BE ENTITLED AN ACT

To amend Code of Alabama 1975, Section 17-4-17, which relates to the preparation and publication of poll lists so as to change the dates of said publication; to further amend Section 17-4-25 which relates to clerical assistants and helps for judge of probate and certain boards of registrars.

Be It Enacted by the Legislature of Alabama

Section 1. Code of Alabama 1975, Section 17-4-17 is amended to read as follows:

"Section 17-4-17. The judge of probate shall, from the registered list heretofore and hereafter returned to his office, excluding those names stricken therefrom, as shown by the list returned to him under the provisions of section 17-4-17, make correct alphabetical lists of all electors registered by precincts or by districts or other subdivisions thereof where any precinct has been divided or subdivided, if not within a city or incorporated town, and by wards and other subdivisions, if within a city or incorporated town, which list shall be certified by him officially to be a full and correct list of the registered electors, and no others, except for purposes of information, for each precinct, each district, each ward or each other subdivision, respectively, as the same appears from the returns of the registrars on file in his office. Such lists so made up shall be published by him in some newspaper with a general circulation in the county on or before April 15 the twentieth day preceeding the regular scheduled primary election in each even-numbered year, and together with said lists there shall also be published a certificate that said lists constitute the correct list of all qualified electors who will be entitled to vote in any election held in said county from the time of such publication until May September 1 of the next succeeding year, and also a notice that any voter duly registered whose name has been inadvertently or through mistake omitted therefrom and who has paid all taxes due and who is legally entitled to vote shall have 10 days from said publication to have his or her name entered upon said lists of qualified voters. If within such 10 days any voter

shall reasonably satisfy said judge of probate by proper proof that any name should be added to such list, his or her name shall be added thereto, so that he or she may vote in the precinct, district, ward or other subdivision where he is duly domiciled. An alphabetical list by precinct, or by district or other subdivision where the precinct has been divided or subdivided, if not within a city or incorporated town, and by wards and other subdivisions, if within a city or incorporated town, of those so added within 10 days shall be prepared and published by said judge of probate in some newspaper with a general circulation in said county on or before May 1 the seventh day preceding the date of the primary election in each even-numbered year. Such alphabetical list of said voters, published by the judge of probate on or before April 15 the twentieth day preceding the regularly scheduled primary election, together with the names added and published on or before May 1 the seventh day preceding the date of the primary election, shall be the official list of voters qualified in each of the precincts, districts, wards or other subdivisions within the county for the next ensuing year, and until a new list is published; and no person whose name does not appear thereon shall be allowed to vote nor shall he or she be allowed to vote except in the precinct, district, ward or other subdivision in which his or her name appears on said list, unless such person complies with the qualifications prescribed by law for challenged voters.

Provided, however, that only in 1978 any county which has published a list of qualified voters prior to the effective date of this act, the probate judge shall prepare and publish in some newspaper with a general circulation in said county, an alphabetical listing as hereinabove required, only on or before the seventh day preceding the date of the primary election. In 1978 in such county this list, together with the list published prior to the effective date of this act shall be the official list of voters qualified in each of the precincts, districts, wards or other subdivisions within such county."

Section 2. Code of Alabama, 1975, Section 17-4-25 is amended to read as follows:

"Section 17-4-25. The judge of probate may employ such assistants and clerical help as may be necessary to shall complete and properly prepare the list of qualified electors which the judge of probate is required to furnish the election inspectors. Such judge of probate shall be paid out of the county treasury by warrants, drawn by the county commission on certificate of the probate judge, accompanied by the certificates certificate of the person being paid, showing the amount is due under the provisions of this chapter; but the entire amount spent for such assistants and clerical help assistance by the judge of probate shall not exceed a sum equal to the amount obtained by multiplying the number of names on said list by \$.05. The judge of probate in all counties having a population of not less than 100,000 nor more 350,000 according to the last of any subsequent federal census, is hereby authorized and directed to employ a clerk to assist the board of registrars of said county. The duties of said clerk shall be to submit to the board of registrars revised election lists of said county by placing all persons in their proper ward or precincts and eliminating therefrom all deceased, nonresident and fictitious persons named upon said roll and those convicted of crime, and shall further attend to all clerical work of the board of registrars. Such clerk shall be paid a compensation out of the county treasury, of not more than \$250.00 per month, to be fixed by the judge of probate."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Owen, said substitute was laid on the table.

(Mr. Waldrop requested that the Journal record his vote of "Nay" on the above motion.)

And said Bill, H. B. 854, as thus amended, was read a third time at length and passed.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—30

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 401. To further amend Section 40-8-1, Code of Alabama 1975, as last amended so as to adjust the ratio of assessed value to fair and reasonable market value of property in certain counties; and to provide a property tax credit for increased taxes paid as a result of early completion of reappraisal in certain counties.

And requests a Committee on Conference, and the Speaker of the House has named as a Committee on Conference on the part of the House Messrs. Manley, Carothers and Kelley.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Owen, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, the title of which is set out in the foregoing Message from the House.

Yeas 25; Nays 1.

*Yeas:*

Messrs. Adams, Edwards, Ellis, Fine, Foshee, Gilmore, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:* Mr. Pearson

—1

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. Owen, Fine, and Peden.



## MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 402. To amend Section 40-7-15, Code of Alabama 1975, relating to the assessment of taxes so as to further provide for determining the value of taxable property and providing for a pass-on of any benefits to public utilities.

And requests a Committee on Conference, and the Speaker of the House has named as a Committee on Conference on the part of the House Messrs. Manley, Carothers and Kelley.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Owen, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, the title of which is set out in the foregoing Message from the House.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. Owen, Fine, and Peden.

## FURTHER CONSIDERATION OF H. B. 400

The Senate proceeded to further consideration of the Message from the House (set out in the Journal of the Senate for the Twenty-third Legislative Day), containing the request of the House for a Conference Committee on the disagreement of the two Houses on the Senate amendment to the Bill:

H. 400. Proposing an amendment to further amend Article XI, Section 217, of the Constitution of Alabama 1901 relative to ad valorem taxation; further providing for the assessment of taxable property and the levy of such tax.

The question was on the motion of Mr. Owen that the Senate accede to the request of the House for a Conference Committee.

And said motion was then adopted by the Senate.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, Shelby, Stewart, Teague, Vacca, Wilson.

—24

*Nays:*

—0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. Owen, Fine, and Peden.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 403. To amend Section 40-9-19, Code of Alabama 1975, to increase the homestead exemption from \$2,000 to \$5,000, such exemption being applicable to all state ad valorem taxes.

And requests a Committee on Conference, and the Speaker of the House has named as a Committee on Conference on the part of the House Messrs. Manley, Carothers and Kelley.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Owen, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, the title of which is set out in the foregoing Message from the House.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Edwards, Ellis, Fine, Foshee, Goodwin, Higginbotham, Jones, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—26

*Nays:*

—0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. Owen, Fine, and Peden.

#### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 435.

The following bills shall be the paramount and continuing order of business for the 26th legislative day only, upon reaching bills on third reading, taking precedence thereafter over all other business for said day:

| Bill No.  | Description                           |
|-----------|---------------------------------------|
| S. B. 318 | Military Leave of Absence             |
| S. B. 741 | Board of Corrections                  |
| S. B. 453 | Highway Department                    |
| S. B. 454 | Highway Department                    |
| S. B. 455 | Highway Department                    |
| S. B. 456 | Highway Department                    |
| S. B. 457 | Highway Department                    |
| S. B. 556 | Silent Meditation                     |
| S. B. 692 | Surface Mining Reclamation Commission |
| S. B. 67  | Treasurer's Disclosure                |
| S. B. 345 | Coal Delivery                         |
| S. B. 223 | Industrial Revenue Bonds              |
| S. B. 553 | Real Estate Recovery Fund             |
| S. B. 301 | Banking Holding Company               |
| S. B. 644 | Tenth Judicial Circuit                |
| S. B. 645 | Tenth Judicial Circuit                |
| S. B. 31  | Energy Conservation                   |
| S. B. 162 | Personalized Motor Vehicle Plates     |
| S. B. 392 | Child Care                            |
| S. B. 478 | Annexation of Cities                  |
| S. B. 112 | Department of Public Safety           |
| S. B. 586 | Chattahoochee Commission              |

On motion of Mr. Clemon, the Resolution was adopted by the Senate.

#### SPECIAL ORDER

#### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first item of which was the Bill:

S. 318. To amend Section 31-2-13, Code of Alabama 1975, so as to limit the military leave of absence benefits of certain individuals.

And said Bill, S. B. 318, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 2.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Gilmore, Goodwin,

Higginbotham, Jones, Little, McMillan, Mims, Mitchell, Noonan, Powell, Proctor, St. John, Shelby, Vacca, Waldrop.

—19

*Nays:* Messrs. Ellis, Stewart

—2

## REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 640. To provide for and authorize the incorporation of a public corporation as a political subdivision of the state to be named the Upper Buttahatchee River Development Authority, for the development of the Buttahatchee River, its tributaries and watershed, for the purposes of navigation, water conservation and supply, flood control, irrigation, industrial development, public recreation and related purposes; to provide for the composition of the board of directors of the Authority; to specify the powers and duties of the Authority and its board of directors; to authorize the Authority to investigate the resources of the Buttahatchee River Watershed, to determine requirements for its full development and control, and to carry out a unified comprehensive program of resource development, together with other powers to effectuate the foregoing objective; to authorize the Authority to acquire land and interests in land by purchase, construction, lease, condemnation or otherwise, and to hold, manage and sell such land and interests therein; to make provisions respecting the establishment and revision of rates, fees and charges for services rendered by the Authority; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and notes payable solely out of the revenues of the Authority or out of the revenues of any particular facilities and other property of the Authority, without regard to the specific facilities and other property with respect to which such bonds and notes may have been issued; to provide that such bonds and notes shall constitute negotiable instruments; to provide that such bonds and notes may be secured by a pledge of the revenues from which they are payable, by contracts binding the Authority for the proper application of its revenues and the proceeds of such bonds and notes and by a non-foreclosable mortgage or deed of trust or statutory mortgage lien on the facilities and other property out of the revenues from which such bonds and notes are payable, and to provide that bonds and notes of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by the Authority of obligations respecting facilities and other property acquired by the Authority; to provide for the use of the proceeds of bonds and notes issued by the Authority; to provide for the refunding, by the issuance of bonds and notes of the Authority, or bonds and notes therefore issued or obligations theretofore assumed by it; to provide that bonds and notes issued and contracts entered into by the Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or other political subdivision of the state; to authorize Marion County and the municipalities located therein to contribute money to the Authority, without the necessity of an election and with or without consideration therefor; to exempt from all taxation in this state, the Authority, its property, corporate activities, income, revenues, bonds and notes, the

income from its bonds and notes, and conveyances, leases and mortgages and deeds of trust to which the Authority is a party, and to exempt the Authority from payment of certain charges to Judges of Probate; to provide that the Authority shall be exempted from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by the Authority; and to provide for certain annual reports by the Authority.

Also:

S. 642. Proposing an amendment to the Constitution of Alabama relative to the Upper Buttahatchee River Watershed Area.

U. W. CLEMON,  
Chairman.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 741. To amend Sections 14-1-4 and 14-1-6 of the Code of Alabama 1975, so as to allow the Commissioner of Corrections to appoint one additional deputy commissioner and to provide further for the compensation of all deputy commissioners.

was taken up.

Mr. Jones offered the following amendment to the Bill, S. B. 741, to-wit:

### AMENDMENT TO S. B. 741

Amend Senate Bill No. 741 Page 2 by inserting on line 30 after the word "each be" an annual amount fixed at \$1,500.00 less than the salary of the Commissioner of Corrections.

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Vacca.

—26

Nays:

—0

And said Bill, S. B. 741, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—28

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 107. TO OPPOSE THE ABOLITION OF THE NATIONAL FIRE ACADEMY AND THE NATIONAL FIRE PROTECTION & CONTROL ADMINISTRATION.

Also:

H. J. R. 446. MOURNING THE DEATH OF JUDGE JOHN B. SCOTT.

Also:

H. J. R. 455. COMMENDING MRS. MARGARET BURNETT FOR HER OUTSTANDING CONTRIBUTIONS.

Also:

H. J. R. 456. COMMENDING MRS. CLARA S. CROWDER FOR PERFORMANCE OF HER CIVIC DUTY.

Also:

H. J. R. 512. COMMENDING MR. HAL BURNS OF BIRMINGHAM, ALABAMA.

Also:

H. J. R. 524. HONORING AND CONGRATULATING COACH OBA BELCHER OF ATHENS STATE COLLEGE.

Also:

H. J. R. 532. URGING THE ALABAMA CONGRESSIONAL DELEGATION TO IMMEDIATELY INVESTIGATE THE ANNOUNCED CONSOLIDATION OF MONTGOMERY'S MAXWELL AIR FORCE BASE WITH THE U.S. AIR FORCE TRAINING COMMAND.

Also:

H. J. R. 549. CONGRATULATING JEFFERSON STATE WOMEN'S GYMNASTIC TEAM ON THEIR SECOND CONSECUTIVE NATIONAL CHAMPIONSHIP.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 502. To alter, rearrange, extend and fix the boundaries and limits of the City of Montgomery, Alabama; to provide for the assessment of ad valorem taxes in the property added when certain named services are provided; to require the County of Montgomery, Alabama, to maintain streets and roads in such added areas until same is assessed for ad valorem taxes by the City of Montgomery; to require that the provisions hereof shall become effective on January 1, 1980 and only upon approval of the electors of the County residing outside of the territory proposed to be annexed voting at a special referendum election held as hereinafter provided and further only upon approval of the electors residing within the territory proposed to be annexed voting by three separate areas, as hereinafter set out in full, at a special referendum election held as hereinafter provided; if at the said special referendum election the electors of the county residing outside of the territory proposed to be annexed vote in favor of annexation and if the electors residing in any one of the said three areas proposed to be annexed vote in favor of annexation then as to such area and only as to such area the provisions hereof shall become effective on the said effective date, and provided further that if the electors residing in any one of the three areas proposed to be annexed vote against annexation regardless of the result of the referendum election held in the county outside of the territory proposed to be annexed then the provisions hereof shall have no further force and effect as to such area voting against annexation; to authorize the City of Montgomery to pay for the expenses of the election and to require the Probate Judge of Montgomery County to conduct the election after due notice thereof as herein provided; to require the Board of Registrars of Montgomery County to prepare poll lists for use at the election.

Also:

H. 138. Relating to the practice of barbering in Madison County, Alabama; providing for the establishment of a County Board of Barber Examiners; providing further for the authority and duties of such board with respect to the licensing of barbers, barbers' apprentices, schools of barbering and owners and instructors thereof; providing for the appointment, terms and compensation of the members of such board; prescribing qualifications and fees of licensing of such board; providing rules and regulations and providing for the adoption by the board of rules and regulations; and declaring that the public health requires the necessity of the enactment of such provisions of law.

Also:

H. 947. To validate certain payments made to the registrar of Calhoun County pursuant to Act 194, 1967 Regular Session (Acts of 1967, p. 241) which were made from the effective date of the 1970 federal census to January 15, 1977.

Also:

H. 981. Relating to Calhoun County; to increase the mileage compensation paid to individuals by the county commission.

Also:

H. 1014. Relating to Tallapoosa County; to amend Act No. 275, S. 470, Regular Session 1969 (Acts of 1969, p. 607), relating to the compensation of certain officers of Tallapoosa County, so as to further regulate the salaries of certain county officers.

Also:

H. 1026. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Butler, in Choctaw County.

Also:

H. 982. Relating to Calhoun County; to authorize the county commission to allocate county funds to assist rural fire departments.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 453. To make further provision for the issuance of bonds by Alabama Highway Finance Corporation by (i) amending Section 23-1-17 of the Code of Alabama 1975 so as to limit to Twenty-five Million Dollars the principal amount of bonds (other than refunding bonds) authorized to be issued by the said corporation after February 1, 1978, and so as to provide that no bond issued under Article 7 of Chapter 1 of Title 23 of the said Code may mature later than twenty years from its date, (ii) supplementing the said Article 7 by the appropriation and pledge of funds necessary to pay the principal of and the interest on bonds issued after February 1, 1978, under the said Article 7, and specifying the rank or precedence of the pledges for the benefit of the said bonds, and (iii) repealing Section 9 of Act No. 228 adopted at the 1965 Regular Session of the Legislature.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.



Yeas 28; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Wilson.

—28

*Nays:*

—0

The Bill:

S. 454. To amend Division 2, Article 2 of Chapter 17 of Title 40 of the Code of Alabama 1975 so as to make further provisions as to the distribution of the proceeds of the highway gasoline tax, as that term is defined in the said Division.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Fine, Foshee, Goodwin, Higginbotham, Jones, Little, McMillan, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Waldrop, Wilson.

—24

*Nays:*

—0

The Bill:

S. 455. To amend Article 1, Chapter 17 of Title 40 of the Code of Alabama 1975 (relating to the excise tax on motor fuel as defined in the said Article 1), so as to make further provision for the disposition of the proceeds of the tax levied thereby.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McMillan, Mims, Noonan, Owen, Pearson, Peden, Perry, Proctor, St. John, Shelby, Stewart, Teague, Waldrop, Wilson.

—27

*Nays:*

—0

The Bill:

S. 234. To amend Section 41-9-452 of the Code of Alabama 1975 so as to further define the authority of the Sports Hall of Fame.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Fine, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—26

*Nays:*

—0

The Bill:

S. 235. To make a conditional appropriation from the general fund to the sports hall of fame at the Civic Center in Birmingham.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—26

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Killan and Lutz:

H. 484. To provide that where certain land without access to a public sewer system is subdivided into lots of not less than 3 acres in size, it shall not be subject to the subdivision criteria and the rules and regulations imposed by the Senate Board of Health upon development if the lots are subject to certain plat restrictions recorded in the County Probate Office.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 484. To the Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Falkenburg:

H. 652. To amend the preamble, Sections 2-e, 2-f, 3, 5, 7, and 9 of Act No. 1197, Regular Session 1975, which act relates to the public health and which may be referred to as the State Health Planning and Development Act of 1975, so as to bring that act into conformity with Public Law 93-641, "The National Health Planning and Resources Development Act of 1974."

Also:

By Mr. Kelley:

H. 1034. To further authorize and empower the Department of Pensions and Security to operate child support programs, locate absent parents, establish paternity, enforce child support obligations, to collect and distribute support payments, and to conform with certain provisions of the Social Security Act, as amended, in order to obtain maximum benefits under the Social Security Act, as amended; and to prescribe penalties.

Also:

By Mr. Turnham (with notice and proof):

H. 688. To further amend Section 1 of Act No. 394, H. 828, Regular Session 1961 (Acts 1961, p. 406), which act relates to the employment of certain personnel for the sheriff's department of Lee County, so as to further provide for the employment of such personnel and their salaries and meal and uniform allowances.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 688, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 652 and 1034. To the Committee on Rules.

H. B. 688. To the Committee on Local Legislation No. 1.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 624. Relating to certain incorporated municipalities within Etowah County; providing further for the term of office, dates, and for the holding of certain elections in all incorporated municipalities within said county except the city of Gadsden.

Also:

S. 346. Relating to Cullman County; providing for and regulating county purchasing and the custody and use of certain county property; divesting the highway department of certain county functions and duties in relation to roads and bridges in such county, heretofore transferred to it, and revesting such functions in the Cullman County governing body; providing for the construction, maintenance and repair of county roads on the unit basis; providing for the transfer of certain funds, equipment, material and personnel from the state highway department to the county governing body; providing for the payment of salaries of certain county employees; providing that this act shall become effective only upon approval at a referendum election.

Also:

S. 623. Relating to the City of Gadsden; providing further for the selection of candidates for membership on the board of commissioners by prescribing the dates, term of office and conduct of holding primary, run-off, and general elections to such offices.

Also:

S. 579. Relating to the expenses of the members of the Pickens County Board of Education.

Also:

S. 703. To alter, rearrange and extend the boundaries and corporate limits of the City of Pell City, St. Clair County, Alabama, so as to annex certain territory to the city.

Also:

S. 591. To alter or rearrange the boundary lines of the City of Satsuma, Mobile County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama.

Also:

S. 605. To apply in Mobile County, Alabama, and to authorize the County Board of Health in such county to solicit, receive, hold, use and dispose of, by sale or otherwise, any gifts, devises, bequests of money, real estate, personalty or other things of value; to match or supplement such property or use same for matching purposes in carrying out and funding its activities; to further authorize such Board of Health to utilize its funds to purchase, lease or hold any real or personal property needed in carrying out its functions, to control such property belonging to the Board of Health, and to lease, sell, convey or exchange any real or personal property, or portions thereof, no longer needed or utilized by the Board of Health in carrying out its functions in the field of public health.

Also:

S. 618. To authorize the county commission or other like governing body of any county having a population of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, to select and appoint a secretary for each county commissioner, to provide for the appointment of each secretary, to provide for the salary of each secretary, and the method of payment of such secretary.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

By Messrs. Martin, Sparks, Cates, McCorquodale, Hill, McCulley, Lee, Smith (J), Younce, Pegues, Dial, Andrews, Moore (W), Crawford, Gafford, Plaster, Folmar, Smith (M), Ford, Morris, Baker, Mitchem, McNair, Naramore, Johnson, Biddle, McCluskey, Carothers, Drake, Coburn, Riddick, Albright, Boles, Merrill, Roberts, Hines, Shelton, Kinsey, Clark, Manley, Turnham, Campbell, Falkenburg, Sasser, Smith (B), White, Waggoner, Callahan, Owens, Smith (C), Hilliard, Hopping, Ward, Venable, Quarles, Carter, Shoemaker, Starkey, Cross, Warren, Harris, Lockett and Goodwin:

H. 854. To amend Code of Alabama 1975, Section 17-4-14, which relates to the preparation and publication of poll lists so as to change the dates of said publication.

JOHN W. PEMBERTON,  
Clerk.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 200. This bill creates an investment committee to supervise the investment of state funds. It provides for the method of appointment. It provides for the employment of an investment specialist. It sets the compensation for the committee members and the maximum compensation that can be paid to the specialist. It provides for the meeting of the committee and repeals all laws in conflict with this Act.

was taken up.

Messrs. Powell and Little offered the following substitute for the Bill, S. B. 200, to-wit:

### SUBSTITUTE FOR S. B. 200

#### A BILL TO BE ENTITLED AN ACT

To further provide for the deposits and investments of state funds; to create a state treasury board and the position of state money manager; to establish the authority, responsibilities and duties of the board and the state money manager; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created a state treasury board whose duty shall be to determine the fiscal policies relating to state funds available for investment in demand and time deposits in state depositories or other investments as herein provided. The board shall consist of the following members, all ex officio and voting: The state treasurer, director of finance, chairman of the senate finance and taxation committee, chairman of the house ways and means committee, a state senator, appointed by his term of office by the lieutenant governor, a member of the house of representatives, appointed for his term of office by the speaker of the house, and the legislative fiscal officer. The members shall serve for the term of their respective official capacity to which they were elected or appointed and until their successors have been qualified. The state treasurer shall be chairman of the board and the members of the board shall select a vice chairman from among its members. The board shall meet at the call of the chairman, or any three members thereof, provided that the board shall meet as prescribed by this act. Any vacancy occurring in the membership of the board shall be filled in the same manner as the original appointment or from the official capacity causing the vacancy.

Section 2. The board shall meet at least quarterly for the conduct of its business and to review and supervise the performance of the state money manager.

Section 3. It shall be the purpose of the state treasury board to set the fiscal policies and guidelines relating to state funds available for investment in time deposits in state depositories or other investments. The board is hereby authorized to establish its own rules, regulations and policies reasonably necessary for the performance of the responsibilities charged to it, which shall include:

- (a) Employing a state money manager;
- (b) establishing the qualifications, salary and benefits for such state money manager;
- (c) establishing the guidelines and criteria for the deposit and investment of funds in the state treasury by the state money manager; such criteria shall duly consider: The activities of the various banking accounts maintained, the reasonable value of the banking services rendered or to be rendered by the depository banks to the state, the value and importance of such deposits to the economy of the communities and various areas of the state to be affected as projected by the loan to deposit ratio, the return on investment to the state treasury and other pertinent fiscal measurements;
- (d) determining the staff and resources needed by the state money manager and timely notifying the state treasurer of such determination; and
- (e) reporting annually to the legislature on the performance of the state money manager.

Section 4. There is hereby established the position of state money manager. The state treasury board shall select and appoint the state money manager who shall serve at the pleasure of the board and may be removed for cause by a majority vote of the board.

Section 5. The primary responsibility of the state money manager shall

be to project cash flow and deposits and to manage all funds in the state treasury within the guidelines and policies established by state treasury board and the provisions of this act.

Section 6. The state treasurer shall provide staff and resources, out of the funds appropriated to the state treasurer for the state money manager as the needs therefor are determined by the board.

Section 7. The state money manager is authorized to secure information, data, estimates and statistics from the various departments, agencies, institutions, commissions, and boards of state government, which he deems necessary in the performance of his duties and for the implementation of the provisions of this act.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. Any laws or parts of laws which are inconsistent with or conflict with the provisions of this act are repealed only to the extent they are inconsistent or conflict herein. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. King, said substitute was laid on the table.

Yeas 18; Nays 7.

*Yeas:*

Messrs. Fine, Foshee, Goodwin, Higginbotham, Jones, King, Mims, Mitchell, Noonan, Peden, Perry, Proctor, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—18

*Nays:*

Messrs. Adams, Baker, Little, McDonald (A), McMillan, Powell, Stewart.

—7

Mr. Baker offered the following substitute for the Bill, S. B. 200, to-wit:

#### SUBSTITUTE FOR S. B. 200

#### A BILL TO BE ENTITLED AN ACT

To further provide for the deposits and investments of state funds; to create the position of state money manager; to establish the authority, responsibilities and duties of the state money manager; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Among other duties prescribed by law, the State Treasurer's duties shall be to determine the fiscal policies relating to state funds available for investment in demand and time deposits in state depositories or other investments as herein provided.

Section 2. The state Treasurer shall set the fiscal policies and guidelines relating to state funds available for investment in time deposits in state depositories or other investments. He is specifically authorized to do the following:

- (a) Employ a state money manager;
- (b) establish the qualifications, salary and benefits for such state money manager;
- (c) establish the guidelines and criteria for the deposit and investment of funds in the state treasury by the state money manager; such criteria shall duly consider: The activities of the various banking accounts maintained, the reasonable value of the banking services rendered or to be rendered by the depository banks to the state, the value and importance of such deposits to the economy of the communities and various areas of the state to be affected as projected by the loan to deposit ratio, the return on investment to the state treasury and other pertinent fiscal measurements;
- (d) hire the staff and resources needed by the state money manager; and
- (e) report annually to the legislature on the performance of the state money manager.

Section 3. There is hereby established the position of state money manager. The state treasurer shall select and appoint the state money manager who shall serve at the pleasure of the state treasurer.

Section 4. The primary responsibility of the state money manager shall be to project cash flow and deposits and to manage all funds in the state treasury within the guidelines and policies established by state treasurer and the provisions of this act.

Section 5. The state treasurer shall provide staff and resources, out of the funds appropriated to the state treasurer, for the state money manager as the needs therefor are determined by the treasurer.

Section 6. The state money manager is authorized to secure information, data, estimates and statistics from the various departments, agencies, institutions, commissions, and boards of state government, which he deems necessary in the performance of his duties and for the implementation of the provisions of this act.

Section 7. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. Any laws or parts of laws which are inconsistent with or conflict with the provisions of this act are repealed only to the extent they are inconsistent or conflict herein. All laws or parts of laws which conflict with this act are hereby repealed.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Baker offered the following amendment to the substitute for the Bill, S. B. 200, to-wit:



## AMENDMENT TO SUBSTITUTE FOR S. B. 200

Amend the substitute for Senate Bill No. 200 Page 3 Line 16, by inserting after the word "who" the following:

"upon confirmation by the State Senate"

Mr. Perry moved that said amendment be laid on the table, which motion was lost.

Yeas 3; Nays 19.

*Yeas:* Messrs. Goodwin, Jones, Perry

—3

*Nays:*

Messrs. Adams, Baker, Fine, Foshee, Gilmore, Higginbotham, King, Little, Mims, Mitchell, Peden, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—19

And said amendment was then adopted by the Senate.

And substitute, as thus amended, was then adopted by the Senate.

Yeas 22; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Ellis, Fine, Foshee, Goodwin, Higginbotham, Jones, King, Little, Mims, Mitchell, Noonan, Pearson, Peden, Perry, Powell, Proctor, St. John, Shelby, Teague, Vacca.

—22

*Nays:*

—0

And said Bill, S. B. 200, as thus amended by the substitute, was then lost.

Yeas 6; Nays 17.

*Yeas:*

Messrs. Baker, King, Little, Powell, Stewart, Vacca.

—6

*Nays:*

Messrs. Adams, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Mims, Mitchell, Peden, Perry, Proctor, St. John, Shelby, Teague, Waldrop.

—17

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 854. To amend Code of Alabama 1975, Section 17-4-14, which relates to the preparation and publication of poll lists so as to change the dates of said publication.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Clark and Manley (with notice and proof):

H. 1075. Relating to Greene County; providing for an expense allowance for the chairman and for associate members of the county governing body, and providing retroactive effect for the allowances for the associate members.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1075, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Clark and Manley (with notice and proof):

H. 1076. To create the office of county treasurer of Greene County; to provide for the appointment of the county treasurer and to prescribe his powers, duties, term and compensation.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1076, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Clark and Manley (with notice and proof):

H. 1077. Relating to Greene County, authorizing the sale of alcoholic beverages during certain times.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1077, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Manley and Clark (with notice and proof):

H. 1078. To authorize and provide for the establishment, maintenance, equipping, operation and financing of a public law library in Hale County; and to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within the county.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1078, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Clark and Manley (with notice and proof):

H. 1079. To repeal Act No. 700, H. 1535, Regular Session 1975 (Acts 1975, p. 1466), which act provides for an expense allowance for the county commission of any county having a population of 10,660 or less according to the 1970 or any subsequent federal decennial census.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1079, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Clark and Manley (with notice and proof):

H. 1080. Amending Section 17 of Act No. 376, H. 1040 of the 1975 Regular Session (Acts 1975, Vol. II, p. 926), relating to the Greene County Racing Commission, so as to further provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of this act.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1080, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Crowe (with notice and proof):

H. 1081. To authorize municipalities of Walker County to elect to participate in the county civil service system and to provide for certain fees for employees of municipalities which so elect to be covered by the county merit system.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1081, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Waggoner, Leonard and Hilliard (with notice and proof):

H. 1025. Relating to Jefferson County; authorizing all incorporated municipalities within said county to grant certain municipal ad valorem tax exemptions for up to fifteen years to owner-developers who build new commercial or industrial facilities on previously improved real property within the corporate limits of any such municipality located in said county; providing that such owner-developers receiving such exemptions shall, however, pay abatement property taxes assessed on not less than the highest value at which said property was assessed at anytime within five years prior to the grant of exemptions, and to provide for the procedures to be followed in the granting of such exemptions and in the determination of the amount of such abatement property taxes.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1025, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Callahan (with notice and proof):

H. 1063. To amend Sections 3, 12, 14 and 15, and add Section 28, of Act No. 243 H. 278, first Special Session 1964, as amended, which establishes the pension and relief system for policemen and firemen of the City of Mobile, by changing the amounts of contributions of the members and of the City, and by providing that the City may fix, in its discretion, such part of the assessment of costs of court in connection with prosecutions for violations of municipal ordinances to be credited to said pension and relief fund; to amend further said Act No. 243; to provide for an adjustment in retirement benefits to persons retiring after the effective date of this Act; and to provide for an adjustment in benefits to persons temporarily totally disabled.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1063, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 1075, 1076, 1077, 1078, 1079, 1080, 1081, and 1063. To the Committee on Local Legislation No. 1.

H. B. 1025. To the Committee on Local Legislation No. 2.

#### REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's

appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Howard Vaughan to the Board of Trustees of Livingston State University.

On motion of Mr. Clemon, the appointment of Mr. Vaughan to the Board of Trustees of Livingston State University was confirmed by the Senate.

Yeas 23; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Mims, Mitchell, Noonan, Pearson, Peden, Perry, Powell, Shelby, Stewart, Vacca, Waldrop.

—23

*Nays:*

—0

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 456. To amend Section 40-12-270 of the Code of Alabama 1975, so as to make further provisions as to the use of that portion distributed to the state of the proceeds of the motor vehicle license taxes and registration fees imposed by Division 1, Article 5 of Chapter 12, Title 40, Code of Alabama 1975, as amended.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Proctor, St. John, Shelby, Stewart, Teague, Vacca.

—25

*Nays:*

—0

The Bill:

S. 457. To amend Section 15 of Act No. 565 adopted at the 1976 Regular Session of the Legislature so as to clarify the said section; so as to provide that the pledges, provided for in the said Act No. 565, as amended by this act, of proceeds from certain taxes and fees as security for \$212,000,000 principal amount of obligations of Alabama Federal Aid Highway Finance Authority will be subject and subordinate not only to existing prior pledges but also to (i) all pledges of proceeds from the said taxes and fees that may hereafter be made as security for \$25,000,000 principal amount of bonds of Alabama Highway Finance Corporation and (ii) all pledges of the said proceeds that may be made after December 1, 1977, for the benefit of certain refunding

bonds; and so as to delete the portion of the said Section 15 that provides for the pledge, for the benefit of obligations issued under the said Act No. 565, of the registration fee imposed by subdivision (5) of Section 37-3-32 of the Code of Alabama 1975.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, Mims, Noonan, Owen, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—23

*Nays:*

—0

The Bill:

S. 556. To provide for a silent meditation period in the public schools.  
was taken up.

Mr. Stewart offered the following amendment to the Bill, S. B. 556, to-wit:

#### AMENDMENT TO S. B. 556

Amend Senate Bill No. 556 Page 1 Line 21, by striking out the word "all" and inserting in lieu thereof the words: "the first through the sixth"

Which was adopted.

Yeas 19; Nays 0

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Fine, Foshee, Gilmore, Higginbotham, Jones, Little, Mitchell, Pearson, Peden, Powell, Proctor, St. John, Shelby, Stewart, Teague.

—19

*Nays:*

—0

And said Bill, S. B. 556, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, Mims, Mitchell, Noonan, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Waldrop.

—22

*Nay:* Mr. Clemon

—1

The Bill:

S. 692. To amend Section V of Act No. 551, Regular Session 1975, the Act known as the "Alabama Surface Mining Reclamation Act of 1975" so as to grant to the Alabama Surface Mining Reclamation Commission the authority to administer the Federal Initial Regulatory Program and to receive federal grants.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, Mitchell, Noonan, Owen, Peden, Perry, Proctor, St. John, Shelby, Stewart, Teague, Waldrop.

—22

*Nays:*

—0

The Bill:

S. 67. To require certain financial disclosures by the state treasurer, assistant state treasurer or any other employee in the state treasurer's office earning greater than \$15,000 annually, of any personal loans made to them or any member of their immediate family or to any business with which they or their immediate family members are associated, from any financial institution in which state funds are deposited by the state treasurer's office.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 2.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, Mims, Noonan, Owen, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Waldrop.

—22

*Nays:* Messrs. Fine, Pearson

—2

The Bill:

S. 345. To provide that whoever knowingly sells and delivers any coal which has been mixed or loaded in the delivery container together with any substance or material other than coal or together with coal of a different quality with intent to defraud the purchaser of such coal or with the intent to obtain a higher price for such coal by inducing the purchaser to believe that such coal is of a higher quality or different quality than is actually delivered shall be guilty of criminal fraud; and providing penalties therefor.

was taken up.

Mr. St. John offered the following amendment to the Bill, S. B. 345, to-wit:

AMENDMENT TO S. B. 345

Amend S. 345 by changing the period after the word "offense" on page 2, line 11 to a semicolon and adding the following words to the end of Section 1:

"provided, however, that the blending of coal with coal of a different quality in order to achieve contract specifications is not prohibited by this Act."

Which was adopted.

Yeas 23; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Fine, Foshee, Goodwin, Higginbotham, Little, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Waldrop.

—23

*Nays:*

—0

And said Bill, S. B. 345, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Foshee, Goodwin, Higginbotham, Little, Mims, Mitchell, Noonan, Owen, Peden, Perry, Proctor, St. John, Shelby, Stewart, Teague.

—19

*Nays:*

—0

The Bill:

S. 223. To require a notification procedure for the issuance by counties, cities, towns, municipalities and public corporations of industrial revenue bonds under Act No. 178 enacted at the 1961 Extra Session of the Alabama Legislature (1961 Acts, p. 2147, et seq.), as amended (relating to industrial revenue bonds to be issued by counties), Act No. 756, enacted at the 1951 Regular Session of the Alabama Legislature (1951 Acts, p. 1307, et seq.) as amended (relating to industrial revenue bonds to be issued by municipalities), Act No. 648, enacted at the 1949 Regular Session of the Alabama Legislature (1949 Acts, p. 991, et seq.) as amended (relating to industrial revenue bonds to be issued by industrial development boards), Act No. 516, enacted at the 1955 Regular Session of the Alabama Legislature (1955 Acts, p. 1160, et seq.) as amended (relating to industrial revenue bonds to be issued by medical clinic boards), Act No. 4, enacted at the 1956 Second Special Session of the Alabama Legislature (1956 Acts, p. 240, et seq.), as amended (relating to industrial revenue bonds to be issued by certain municipalities to finance hotel and motel projects), Act No. 337 enacted at the



1971 Third Extra Session of the Alabama Legislature (1971 Acts, p. 4625, et seq.) (relating to industrial revenue bonds to be issued by certain municipalities to finance hotels and motels projects), to provide, in addition to their present functions and duties, the functions and duties of the Alabama Securities Commission and its Director (established under Act No. 740 enacted at the 1969 Regular Session of the Alabama Legislature, Acts of 1969, p. 1316, et seq. with respect to such industrial revenue bonds, to establish and provide for the membership, functions and duties of the State Industrial Revenue Bond Advisory Council; to authorize the issuance of stop orders by the Alabama Securities Commission and/or the Director delaying or prohibiting the issuance of industrial revenue bonds; to provide for certificates of notification by the Director, the effect of such certificate, and a remedy for failure or refusal of the Director to issue such certificate; to provide for the assessment of filing fees by the Securities Commission; to provide criminal penalties for willful violations of this act or stop orders issued thereunder; and to provide relief from stop orders of the Director by readoption by the governing body of the issuer of the authorizing proceedings, or from stop orders issued by the Alabama Securities Commission by judicial validation under Section 6-6-750, et seq., of the Code of Alabama, 1975, as amended (relating to the judicial validation of securities issued by counties, cities and towns) and Act No. 859 of the 1953 Regular Session of the Alabama Legislature (Acts of 1953, p. 1148, et seq. (relating to the judicial validation of securities issued by boards and public corporations) and as supplemented in this act for proceedings hereunder, and relief from stop orders of the Council by such judicial validation.

was taken up.

Mr. Noonan offered the following substitute for the Bill, S. B. 223, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To require a notification procedure for the issuance by counties, cities, towns, municipalities and public corporations of industrial revenue bonds under Sections 11-20-1, et seq. CODE OF ALABAMA 1975 (relating to industrial revenue bonds to be issued by counties), Sections 11-54-20, et seq. CODE OF ALABAMA 1975 (relating to industrial revenue bonds to be issued by municipalities), Sections 11-54-80, et seq. CODE OF ALABAMA 1975 (relating to industrial revenue bonds to be issued by municipal industrial development boards), Sections 11-58-1, et seq. CODE OF ALABAMA 1975, as amended (relating to industrial revenue bonds to be issued by municipal medical clinic boards), Sections 22-21-170 et seq. CODE OF ALABAMA 1975 (relating to industrial revenue bonds to be issued by county and municipal hospital authorities), Act No. 4, enacted at the 1956 Second Special Session of the Alabama Legislature (1956 Acts, p. 240, et seq.), as amended (relating to industrial revenue bonds to be issued by certain municipalities to finance hotel and motel projects), Act No. 337 enacted at the 1971 Third Extra Session of the Alabama Legislature (1971 Acts, p. 4625, et seq.) (relating to industrial revenue bonds to be issued by certain municipalities to finance hotels and motels projects), Act No. 762 enacted at the 1977 Regular Session of the Alabama Legislature and now appearing in Sections 11-20-30, et seq. of the CODE OF ALABAMA 1975 (1977 Cumulative Supplement) (relating to industrial revenue bonds to be issued by county industrial development

boards), to provide, in addition to their present functions and duties, the functions and duties of the Alabama Securities Commission and its Director (as provided under Sections 8-6-50, et seq. CODE OF ALABAMA 1975, with respect to such industrial revenue bonds), to establish and provide for the membership, functions and duties of the State Industrial Revenue Bond Advisory Council; to authorize the issuance of stop orders by the Alabama Securities Commission and/or the Director delaying or prohibiting the issuance of industrial revenue bonds; to provide for certificates of notification by the Director, the effect of such certificate, and a remedy for failure or refusal of the Director to issue such certificate; to provide for the assessment of filing fees by the Securities Commission; to provide criminal penalties for willful violations of this act or stop orders issued thereunder; and to provide relief from stop orders of the Director by readoption by the governing body of the issuer of the authorizing proceedings, or from stop orders issued by the Alabama Securities Commission by judicial validation under Sections 6-6-750, et seq. CODE OF ALABAMA 1975 (relating to the judicial validation of securities issued by counties, cities and towns) and Sections 11-81-220, et seq. CODE OF ALABAMA 1975 (relating to the judicial validation of securities issued by boards and public corporations) and as supplemented in this act for proceedings hereunder, and relief from stop orders of the Council by such judicial validation.

Be It Enacted by the Legislature of the State of Alabama as follows:

Section 1. Meaning of Words and Phrases Used in Act. The following words and phrases as used in this act shall, unless the context clearly indicates the contrary, have the following meaning:

"Authorizing Act" means (a) any of the following sections of the CODE OF ALABAMA 1975, as amended: Sections 11-20-1, et seq. (relating to industrial revenue bonds to be issued by counties), Sections 11-54-20, et seq. (relating to industrial revenue bonds to be issued by municipalities), Sections 11-54-80, et seq. (relating to industrial revenue bonds to be issued by municipal industrial development boards), Sections 11-58-1, et seq., as amended (relating to industrial revenue bonds to be issued by municipal medical clinic boards), Sections 22-21-170, et seq. CODE OF ALABAMA 1975 (relating to industrial revenue bonds to be issued by county and municipal hospital authorities), or (b) the following acts of the Alabama Legislature: Act No. 4, enacted at the 1956 Second Special Session of the Alabama Legislature (1956 Acts, p. 240, et seq.) (relating to industrial revenue bonds to be issued by certain municipalities to finance hotel and motel projects), Act No. 337, enacted at the 1971 Third Extra Session of the Alabama Legislature (1971 Acts, p. 4625, et seq.) (relating to industrial revenue bonds to be issued by certain municipalities to finance hotel and motel projects), and Act No. 762 enacted at the 1977 Regular Session of the Alabama Legislature and now appearing in Sections 11-20-30 et seq. of the CODE OF ALABAMA 1975 (1977 Cumulative Supplement) (relating to industrial revenue bonds to be issued by county industrial development boards).

"Commission" means the Alabama Securities Commission existing under Sections 8-6-50, et seq. CODE OF ALABAMA 1975.

"Council" means the State Industrial Revenue Bond Advisory Council herein created and provided for.

"Director" means the Director appointed by the Commission pursuant to Sections 8-6-50, et seq. CODE OF ALABAMA 1975 or, in the absence of the Director or his inability to act, the deputy director appointed by the Director as provided in said Sections.

"Governing Body" means the county commission, council, board of commissioners, board of directors or other governing body of any Issuer.

"Guarantor" means the guarantor of the performance by the Lessee of its obligations under a Lease or the guarantor of any Industrial Revenue Bonds.

"Improbident" with respect to any Industrial Revenue Bonds means that there is a reasonable probability that such Bonds will be deficient in one or more of the following respects:

- (a) The Project may not be completed;
- (b) The principal of or interest on the Industrial Revenue Bonds will not be paid when due; or
- (c) The Industrial Revenue Bonds may be sold or distributed by such parties or in such manner as to constitute a fraud on one or more purchasers thereof.

"Industrial Revenue Bonds" means the bonds, warrants, notes, certificates of indebtedness or other obligations issued by any Issuer under the authority of the Authorizing Act to finance or refinance a Project or to refund such Bonds, but does not include either (a) any such obligation unless the Lessee is a "Lessee" as hereinafter defined or (b) any issue of such bonds, warrants, notes, certificates of indebtedness or other obligations each of which has a stated maturity not more than eighteen months from the date of its issuance and evidences a loan initially made by a bank to the Issuer of such bonds, warrants, notes, certificates of indebtedness or other obligations.

"Issuer" means any county, city, town, municipality or public corporation issuing Industrial Revenue Bonds under the Authorizing Act.

"Judicial Validation" means the procedure described in Section 10 of this act by which Industrial Revenue Bonds may be validated and culminating in a decree of the circuit court validating such Bonds.

"Lease" means the lease, installment purchase or other agreement by which the Lessee obtains the right to use the Project and agrees to make payments sufficient to pay the principal of and interest on the Industrial Revenue Bonds issued to finance or refinance the Project.

"Lessee" means the lessee, purchaser or user of a Project under the Lease, but "Lessee" does not include the State of Alabama, any county, any city, town or municipality, any public corporation, or any non-profit corporation organized and operated exclusively for religious, charitable, or educational purposes, no part of the net earnings of which inures to the benefit of any private share holder, member or individual.

"Notification" means the instrument and/or the procedure by which an Issuer is required by this act to notify the Director of the proposed issuance of Industrial Revenue Bonds prior to the issuance thereof.

"Project" means any land, plant, building, facilities, equipment or other

property proposed to be acquired with the proceeds of any Industrial Revenue Bonds to be used by a Lessee under a Lease.

"Served upon the Issuer" as applied to a Stop Order, notice of a reference to the Commission or of a hearing before the Commission, means that it shall have been deposited in the United States mail in a sealed envelope with first class, certified postage prepaid, properly addressed to the Issuer at the address shown in the Notification or delivered to the person who signed the Notification in behalf of the Issuer.

"Stop Order" means an order issued by the Director or by the Commission in accordance with this act prohibiting the Issuer from issuing the Industrial Revenue Bonds described in the Notification or any Bonds in lieu thereof.

Section 2. Findings of Fact; Declaration of Intent. The legislature hereby finds and determines that unscrupulous promoters may take advantage of the Authorizing Act by inducing Issuers to issue Industrial Revenue Bonds which careful investigation by the Issuer or other responsible parties would reveal to be Improvident. The standing of all Issuers could be impaired and the purposes of the Legislature in enacting the Authorizing Act could be thwarted by such Improvident issues.

The purpose of this act is to provide a procedure whereby the State of Alabama, acting through the Director and the Commission, with the advice of the Council, may assist in developing facts to aid the Issuer in the exercise of its authority under the Authorizing Act, and, to that end, to delay the issuance of Industrial Revenue Bonds pending adequate investigation by the Director or to prevent the issue of Industrial Revenue Bonds found to be Improvident.

Section 3. The Director. The Director shall have authority to consider and investigate proposed issues of Industrial Revenue Bonds; to advise and consult with Issuers with respect thereto; to publish such notices of proposed issues of Industrial Revenue Bonds or proposed rules and regulations as are required by this act or the rules and regulations of the Commission; to stop the issuance of Industrial Revenue Bonds for the limited times and under the procedures herein provided by issuing the orders and giving the notices herein required; to cause information concerning a proposed issue of Industrial Revenue Bonds to be presented at any meeting of the Governing Body at which Industrial Revenue Bonds are to be authorized or reauthorized or any hearing upon the Judicial Validation of such issue; and to perform such other functions and duties as may be required by this act or by order of the Commission. The authority herein granted to the Director is in addition to that granted under Sections 8-6-50, et seq. CODE OF ALABAMA 1975.

Section 4. The Commission. The Commission shall have authority to stop the issuance of Industrial Revenue Bonds under the procedures herein provided; and to issue such rules and regulations as it considers necessary or desirable to prescribe the form and content of Notifications, the conduct of investigations, the issuance of Stop Orders, appeals by Issuers or references by the Director to the Commission, and the conduct of hearings thereon; but no rule or regulation shall be adopted by the Commission until:

(1) The Commission shall have first submitted the proposed rule or regulation to the Council and the Council shall at a duly convened meeting have considered the same and made its recommendations or comments

thereon to the Commission; provided, however, that if thirty days shall have elapsed since such submission to the Council without the Council having made any recommendations, the Commission may proceed to adopt such rule or regulation; and provided, further, that the Commission shall not be obligated to follow the recommendations or comments of the Council; and

(2) The Commission shall hold a public hearing on such proposed rules and regulations, of which notice shall be given by publication one time in a daily newspaper published in the City of Montgomery and in such other manner as the Commission shall direct.

The authority herein granted to the Commission is in addition to that granted under Sections 8-6-50, et seq. CODE OF ALABAMA 1975.

Section 5. The Council. The State Industrial Revenue Bond Advisory Council is hereby established. The Council shall be composed of five members to be appointed by the Governor from among resident citizens of the State who are persons of good repute and knowledgeable in the field of investment banking or industrial development, but no person who is engaged in the business of marketing or placing Industrial Revenue Bonds shall be appointed. The term of office of each member shall be for a period of six years from the effective date of this Act or until his successor shall have been appointed and shall have qualified; provided, however, that the terms of office of two of the first members shall be for two years, those of two of the first members shall be for four years, and that of one of the first members shall be for six years, so as to provide staggered terms of office. The Council shall elect from its members a Chairman and a Vice Chairman. The Director shall act as Secretary of the Council but shall have no vote or rights as a member thereof. Three members of the Council shall constitute a quorum. The Chairman or any two members shall have the right to call a meeting of the Council at the offices of the Commission or at such other place as shall be convenient to the members. The Council shall advise the Commission and the Director with respect to their administration of this Act, shall have the authority to propose any rule or regulation for adoption by the Commission and shall consider and make recommendations or comments concerning any rule or regulation proposed by the Commission and the issues in any hearing conducted by the Commission under this Act. The members of the Council shall be paid necessary travel expense in and about the performance of their official duties.

Section 6. Notifications. From and after the thirtieth day following the effective date of this act, any Issuer proposing to issue any Industrial Revenue Bonds under authority of the Authorizing Act shall at least 10 days prior to the date of delivery of such Industrial Revenue Bonds deliver to the Director a Notification in writing of its intention to issue such Industrial Revenue Bonds; provided that for good cause shown the Director may waive, shorten or, with the consent of the Issuer, extend the 20 day requirement. The Notification shall contain the name and address of the Issuer, the Lessee, the Guarantor, if any, the trustee, the underwriter, purchaser and/or fiscal agent or agents, legal counsel for each of the above named parties and bond counsel, the estimated face amount of the bond issue, and the estimated capital budget for the Project, insofar as such information is available to the Issuer when it files the Notification, and such other information as may be reasonably prescribed by the rules and regulations which may be issued by the Commission to advise the Director, the Commission and the Council of the nature of the proposed transaction. Each notification shall be accompanied by a filing

fee equal to 1/20% of the principal amount of Industrial Revenue Bonds described in the Notification; provided that no filing fee shall be less than \$25, nor greater than \$1,000. All such fees shall be deposited in a special account in the State Treasury to be withdrawn by the Director for the use of the Commission in the administration of this act. All Notifications shall be available for public inspection during the normal business hours of the Director.

Section 7. Action of Director Upon Receipt of Notification; Stop Orders. Upon receipt of a Notification, the Director shall mail a copy to each member of the Council and shall cause a preliminary investigation or inquiry to be made into the proposed issue to determine whether there exist circumstances which, in his opinion, indicate that the proposed issue of Industrial Revenue Bonds may be an Improvident issue. If he finds that the proposed issue may be Improvident, he shall advise the Issuer of his finding and shall issue a Stop Order or Stop Orders requiring that for such period as he may determine, not, however, exceeding in the aggregate 90 days after the filing of the Notification, the Issuer shall not issue the Industrial Revenue Bonds proposed in the Notification or any Industrial Revenue Bonds in lieu thereof. When such Stop Order shall have been Served upon the Issuer, it shall be fully effective (a) unless lifted by the Director or the Commission for good cause shown or (b) unless the proposed Industrial Revenue Bonds described in the Notification shall have been reauthorized by the Governing Body of the Issuer at a meeting of which at least 20 days notice shall have been given in writing to the Director and by publication in a newspaper published or circulated in the county in which the Issuer is located and at which meeting the Governing Body shall have considered any comments or objections presented by the Director or his representative. The Director shall mail to each member of the Council a copy of each Stop Order at the time it is issued and of each notice of a meeting of the Governing Body of any Issuer for reauthorization of Industrial Revenue Bonds at the time it is received by him.

Section 8. Appeals or Reference to the Commission. When a Stop Order has been issued by the Director, the Issuer shall have the right to appeal the matter to the Commission by notice in writing of such appeal delivered to the Director. The Director shall have the right to refer to the Commission the matter of any issue of Industrial Revenue Bonds proposed in a Notification as to which a Stop Order is then in effect or which have been reauthorized by the Governing Body of the Issuer pursuant to Section 7 of this act, and to request that the Commission issue a permanent Stop Order. Notice of such reference and request shall be given in writing and served upon the Issuer. The Director shall mail to each member of the Council a copy of each notice required by this section as soon as it is delivered to him or prepared for service upon the Issuer.

Section 9. Proceedings Before the Commission. When the matter of any proposed Industrial Revenue Bond issue shall have been appealed by the Issuer to the Commission or referred to the Commission by the Director with the request that the Commission issue a permanent Stop Order with respect thereto, the Director shall convene the Commission and the Commission shall conduct a hearing thereon within 14 days after receipt by the Director of the notice of appeal or service upon the Issuer of the reference thereof; provided that at the request of the Issuer the date of the hearing may be postponed. Notice of the time, place and purpose of such hearing shall be

served upon the Issuer at least 3 days before the date of the hearing and the Issuer and other interested parties shall have the right to appear and be heard in person or by counsel. The Director shall mail a copy of such notice to each member of the Council as soon as it is prepared for service. Members of the Council shall have the right to attend such hearing and the Commission shall have the right to require such members to attend. The Council or those members who attend may comment upon or advise the Commission with regard to the issues at the hearing, but the Commission shall not be required to heed the advice or comments of the Council or its members. The Commission shall render a decision within 3 days after such hearing. Pending the determination by the Commission of any appeal or reference the Stop Order theretofore issued by the Director shall remain in effect until the Commission shall have rendered a decision or 3 days after the hearing, whichever is the earlier date. If, upon a hearing of the matter, the Commission shall conclude that the proposed issue of Industrial Revenue Bonds is Improvident, the Stop Order theretofore issued by the Director shall be made permanent and neither the proposed Industrial Revenue Bonds nor any Industrial Revenue Bonds in lieu of such Bonds shall be issued until they shall have been approved by Judicial Validation in proceedings instituted by the Issuer after the issuance of the Stop Order. If, upon the other hand, upon such hearing, the Commission shall conclude that the issue is not Improvident, the Commission shall lift the Stop Order and the Issuer may proceed to issue the proposed Industrial Revenue Bonds.

Section 10. Judicial Validation; Additional Requirements. Any Judicial Validation proceedings instituted hereunder shall conform to and be conducted in accordance with either Sections 6-6-750, et seq. CODE OF ALABAMA 1975, or Sections 11-81-220, et seq. CODE OF ALABAMA 1975, whichever shall be applicable to the Issuer; provided that the petition shall allege that the issue of Industrial Revenue Bonds proposed by the Issuer is not Improvident, the Director shall be served with notice of such proceeding in the same manner and for the same time as the County Solicitor, the Director shall be entitled to attend the hearing before the circuit court having jurisdiction of the matter in person or by attorney, present evidence and be heard by the court, and the court shall not validate unless upon evidence presented at the hearing, the court finds and determines that such issue is not Improvident. The Director shall mail a copy of such notice to each member of the Council upon his receipt thereof. No judicial validation proceedings shall be instituted under this act until the Commission shall have entered a Stop Order or until the expiration of fifteen days after the proposed Industrial Revenue Bond issue shall have been appealed by the Issuer or referred to the Commission by the Director without any Stop Order having been issued.

Section 11. Certificate of Notification; Representation that Industrial Revenue Bonds Have Been Approved Prohibited. In the event that (i) 20 days shall have expired after the filing by an Issuer of the Notification required by Section 6 of this act describing proposed Industrial Revenue Bonds to be issued by it, or the Director shall have waived, shortened or, with the consent of the Issuer, extended such waiting period and (ii) no Stop Order shall then be effective as to the proposed Industrial Revenue Bonds, the Director shall provide such Issuer with a certificate substantially as follows:

#### "CERTIFICATE OF NOTIFICATION

"The \_\_\_\_\_ of \_\_\_\_\_ (the Issuer) has filed in my office a Notification under Act No. \_\_\_\_\_ of the 1978 Regular

Session of the Alabama Legislature stating its intention to issue \$\_\_\_\_\_ of its \_\_\_\_\_ Industrial Revenue Bonds and no Stop Order is effective as to the issue of such Bonds. This certificate is not an approval of said Bonds, and it is unlawful for any person to represent that such Bonds have been approved by the Director, the Commission or any other agency of the State.

"This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
Director

"

It shall be unlawful for any Issuer to issue any Industrial Revenue Bonds under the authority of the Authorizing Act unless the foregoing certificate with respect to such Industrial Revenue Bonds shall have been issued by the Director or unless the proposed Industrial Revenue Bonds shall have been reauthorized by the Governing Body of the Issuer pursuant to Section 7 of this act or shall have been judicially Validated pursuant to Sections 9 and 10 of this act. When a certificate of notification shall have been issued by the Director, no Stop Order thereafter issued either by the Director or the Commission with respect to the Industrial Revenue Bonds described in such certificate shall be effective unless, prior to the issuance of the Industrial Revenue Bonds described in such certificate, such Stop Order shall have been served personally upon the person who signed the Notification in behalf of the Issuer and upon each bond counsel named in the Notification with respect to the Industrial Revenue Bonds described in such certificate. When the Industrial Revenue Bonds described in a certificate of notification shall have been issued, such certificate shall be conclusive evidence of formal compliance by the Issuer with this act, and the failure of the Issuer to comply with any requirement of this act in issuing the Industrial Revenue Bonds described in such certificate shall not affect the validity of such Industrial Revenue Bonds. In the event that any Industrial Revenue Bonds shall be issued without a certificate of notification having been issued with respect thereto, the holder of any such Bonds shall, in addition to any other right he may have by statute or law, have the right of rescission as to such Bonds; provided that such right shall be exercised within 12 months of the date on which such Bonds shall have been delivered by the Issuer and paid for; and provided further that any right of recovery against the Issuer shall be limited to the then unexpended proceeds of such Bonds. In the event that the Director shall refuse to issue a certificate of notification to any Issuer entitled thereto, an appeal shall lie to the Commission or the Circuit Court of Montgomery County, which shall have jurisdiction to require the Director forthwith to issue any certificate wrongfully withheld. It shall be unlawful for any Issuer or any person, firm or corporation to represent that an issue of Industrial Revenue Bonds has been approved by the Director or the Commission or any agency of the State, whether the certificate herein provided for shall have been issued or not.

Section 12. Criminal Penalties. Any Lessee, any Guarantor or any officer of any Issuer, Lessee or Guarantor or any other person, firm or corporation who (a) willfully violates this act, (b) willfully participates in the issuance of any Industrial Revenue Bonds without having obtained the certificate of notification required by the preceding section, (c) willfully participates in the issuance of any Industrial Revenue Bonds in violation of this act, (d) willfully violates any Stop Order lawfully issued by the Director or the Commission under this act and in effect, or (e) makes or files or causes



to be made or filed, with the Director or the Commission under the Act, any statement, document, or other paper which is false in any material respect or matter, shall be guilty of a felony and upon conviction shall be fined not more than \$10,000 or shall be imprisoned for a period not exceeding 10 years or both so fined and so imprisoned, as the trial court shall determine. No prosecution under this Section shall be commenced more than five years after the occurrence of the alleged violation.

Section 13. Construction. This act is remedial in nature and shall not be construed so as to repeal any provision of Sections 8-6-1, et seq. CODE OF ALABAMA 1975, or Sections 8-6-50, et seq. CODE OF ALABAMA 1975.

Section 14. Severability. If any section, provision, clause, or portion of this act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause or provision of this Act which is not in and of itself invalid or unconstitutional.

Section 15. Effective Date. This act shall take effect immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 23; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Ellis, Fine, Foshee, Gilmore, Goodwin, Jones, Little, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca.

—23

*Nays:*

—0

And said Bill, S. B. 223, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Fine, Foshee, Goodwin, Higginbotham, Jones, Little, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—25

*Nays:*

—0

The Bill:

S. 553. To amend Sections 34-27-4, 34-27-31 and 34-27-35 of the Code of Alabama 1975 pertaining to qualifications for real estate broker and real

estate salesmen licensees, so as to establish a "Real Estate Recovery Fund"; to provide procedural rights for aggrieved parties in certain real estate transactions and to provide for the termination of the license of any person against whom a judgment creates a claim against such fund; and to further provide for certain fees and the distribution thereof.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 553, to-wit:

#### COMMITTEE SUBSTITUTE FOR S. B. 553

##### A BILL TO BE ENTITLED AN ACT

To amend Sections 34-27-4, 34-27-31 and 34-27-35 of the Code of Alabama 1975 pertaining to qualifications for real estate broker and real estate salesmen licensees, so as to establish a "Real Estate Recovery Fund"; to provide procedural rights for aggrieved parties in certain real estate transactions and to provide for the termination of the license of any person against whom a judgment creates a claim against such fund; and to further provide for certain fees and the distribution thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 34-27-4, 34-27-31 and 34-27-35 of the Code of Alabama 1975 are hereby amended to read as follows:

"Section 34-27-4. All fees, fines and charges except as otherwise provided in Section 34-27-31 of this chapter, collected by the Alabama Real Estate Commission under the provisions of this chapter shall be paid into the state treasury, and shall constitute a separate fund to be disbursed by the state comptroller on order of the director of the commission. All expenses incurred by the commission under the provisions of this chapter, including the compensation of members, secretaries, clerks, assistants and witnesses, shall be paid out of the separate fund in the state treasury upon warrants of the state comptroller drawn upon the state treasury from time to time when vouchers therefor are exhibited and approved by the director. The state treasurer is directed to pay money out of the separate fund hereinabove provided for upon the order of the director of the commission; provided that the total expenses for every purpose incurred shall not exceed the total fees and charges collected and paid into the state treasury; provided, that the total expense for every purpose incurred in carrying out the provisions of this chapter shall not exceed the amount appropriated therefor by the legislature in the general appropriation bill; and provided further, that no funds shall be withdrawn or expended except as shall be budgeted and allotted in accordance with the provisions of Article IV, Chapter 4 of Title 41 of this Code and all monies remaining unexpended in the separate fund hereinabove provided at the end of the fiscal year shall be covered into the state treasury to the credit of the general fund of the state of Alabama."

"Section 34-27-31.

"(a) Licenses shall be granted only to persons who are trustworthy and

competent to transact the business of a real estate broker or real estate salesman in such manner as to safeguard the interest of the public. Every applicant for a license as real estate broker or real estate salesman shall be a person who has not been convicted of a criminal offense involving moral turpitude in this or any other state and shall so state on his application. The applicant must be a person whose application or license has not been rejected or revoked in this state or any other state within two years prior to date of application on any grounds other than failure to pass the written examination. Each applicant for a license shall be a citizen of the United States and of at least 19 years of age.

"(b) Each real estate broker must sign a statement to the effect that he accepts the responsibility for the actions covered by this chapter of any and all salesmen licensed under him or any corporation or partnership for whom he is the qualifying broker, and it shall be the duty and responsibility of every broker to see that all transactions of every salesman licensed under him or any corporation or partnership for which he is qualifying broker comply with the provisions of this chapter and the broker shall be responsible to any injured party for the damage caused to such party by any violation of this chapter by any corporation or partnership for which he is qualifying broker or by any salesman while such salesman is licensed under such broker. This subsection in no wise relieves any salesman or any corporation or partnership from any liability that he would have but for this chapter.

"(c) Every applicant for a broker's license, either original or renewal, shall furnish bond payable to the State of Alabama, in the amount of Eight Thousand Dollars (\$8,000) with a surety company authorized to do business in Alabama, which bond shall provide that the obligor therein will pay to the extent of Eight Thousand Dollars (\$8,000) any judgment which may be recovered against such licensee for loss or damage arising from his activities as such real estate broker. Said bond must be filed with the Alabama Real Estate Commission prior to the issuance of such license. A new bond or a renewal or continuation of the original bond shall be required for each yearly licensing period. Provided, however, if a continuous bond is filed with the Alabama Real Estate Commission prior to issuance of such license, no such renewal bond must be filed as long as such continuous bond remains in force and effect. In the event the continuing bond is revoked by the surety company it shall immediately notify the Alabama Real Estate Commission and the broker shall have 20 days to file another bond with the Alabama Real Estate Commission or his licenses shall be suspended until such new bond is filed.

"(d) Every applicant for real estate salesman's license, either original or renewal, shall furnish bond payable to the State of Alabama, in the amount of Two Thousand Dollars (\$2,000) with a surety company authorized to do business in Alabama, which bond shall provide that the obligor therein will pay to the extent of Two Thousand Dollars (\$2,000) any judgment which may be recovered against such licensee for loss of damages arising from his activities as such real estate salesman. A new bond or renewal or continuation of the original bond shall be required for each yearly licensing period. Provided, however, if a continuous bond is filed with the Alabama Real Estate Commission prior to issuance of such license, no such renewal bond must be filed as long as such continuous bond remains in force and effect. In the event the continuing bond is revoked by the surety company it shall immediately notify the Alabama Real Estate Commission and the broker shall have 20 days to file another bond with the Alabama Real Estate Commission or his license shall be suspended until such new bond is filed.

"(c) The commission is authorized and directed to establish and main-

tain a real estate recovery fund from which any person, except bonding companies when they are not principals in a real estate transaction, aggrieved by an act, representation, transaction or conduct of a duly licensed broker, salesman, corporation, partnership or branch office, which is in violation of the provisions of this Act or the regulations promulgated pursuant thereto, may recover by order of the circuit court or other court having competent jurisdiction where the violation occurred for only actual or compensatory damages, and not including interest and costs sustained by the act, representation, transaction or conduct; provided, that nothing shall be construed to obligate the funding for more than \$10,000 per transaction regardless of number of persons aggrieved or parcels of real estate involved in such transaction. In addition:

"(1) This section shall not be construed to obligate the fund for the acts of a broker, salesman, corporation, partnership or branch office while acting on his own behalf in property owned or in which he has an interest.

"(2) The liability of the fund for the acts of a duly licensed broker, salesman, corporation, partnership or branch office, when acting as such, is terminated upon the issuance of court orders authorizing payments from the fund for judgments, or any unsatisfied portion of judgments, in an aggregate amount of \$20,000 on behalf of such licensee.

"(3) A licensee acting as principal or agent in a real estate transaction has no claim against the fund.

"Any broker, salesman, corporation, partnership or branch office holding a license on the effective date of this Act shall file the fee required of the original applicant. When any person makes application for an original license to practice as a broker, corporation, partnership or branch office, he shall pay, in addition to his original license fee, a fee of \$20 for deposit in the real estate recovery fund. When any person makes application for an original license to practice as a salesman, he shall pay, in addition to his original license fee, a fee of \$10 for deposit in the real estate recovery fund. In the event that the commission does not issue the license, this fee shall be returned to the applicant.

"(d) If, on September 30 of any year, the balance remaining in the real estate recovery fund is less than \$500,000, every broker, corporation, partnership and branch office, when renewing their license during the following license year, shall pay, in addition to his license renewal fee, a fee of \$10 for deposit in the real estate recovery fund, and every salesman, when renewing his license during such year, shall pay, in addition to his license renewal fee, a fee of \$5 for deposit in the real estate recovery fund.

"(e)(1) No action for a judgment which subsequently results in an order for collection from the real estate recovery fund shall be started later than as provided by appropriate Alabama statute on limitation of action thereon. When any aggrieved person commences action for a judgment which may result in collection from the real estate recovery fund, the aggrieved person shall notify the commission in writing, by certified mail, returned receipt requested, to this effect at the time of the commencement of such action. The commission shall have the right to intervene in and defend any such action. The commission is further authorized to settle or compromise said claim, and in that event, the claim may be paid directly from the fund.

"(2) When any aggrieved person recovers a valid judgment in any court of competent jurisdiction against any broker, salesman, corporation,

partnership or branch office, for any act, representation, transaction or conduct which is in violation of the provisions of this Act or the regulations promulgated pursuant thereto, which occurred on or after October 1, 1978, the aggrieved person may, upon the termination of all proceedings, including reviews and appeals in connection with the judgment, file a verified claim in the court in which the judgment was entered and, upon 10 days written notice to the commission, may apply to the court for an order directing payment out of the real estate recovery fund of the amount unpaid upon the judgment, subject to the limitations stated in this Section.

"(3) The court shall proceed upon such application in a summary manner, and, upon the hearing thereof, the aggrieved person shall be required to show:

"(i) he is not a spouse of debtor, or the personal representative of such spouse;

"(ii) he has obtained a judgment, as set out in subsection (e)(2) of this section, stating the amount thereof and the amount owing thereon at the date of the application, and, that in such action, he had joined any and all bonding companies which issued corporate surety bonds to the judgment debtors as principals and all other necessary parties;

"(iii) that the following items, if any, as recovered by him, have been applied to the actual or compensatory damages awarded by the court;

"(A) any amount recovered from the judgement debtor or debtors;

"(B) any amount recovered from the bonding company or companies;

"(C) any amount recovered in out of court settlements as to particular defendants.

"(4) The court shall make an order directed to the commission requiring payment from the real estate recovery fund of whatever sum it shall find to be payable upon the claim, pursuant to the provisions of and in accordance with the limitations contained in this section, if the court is satisfied, upon the hearing, or the truth of all matters required to be shown by the aggrieved person.

"(5) Should the commission pay from the real estate recovery fund any amount in settlement of a claim or toward satisfaction of a judgment against a licensed broker, salesman, corporation, partnership or branch office, the license of such licensee may be terminated by the commission, upon the issuance of a court order authorizing payment from the real estate recovery fund, and no such licensee shall be eligible to receive a new license, at the discretion of the commission, until he has repaid in full, plus interest at the rate of six percent a year, the amount paid from the real estate recovery fund on his account. A discharge in bankruptcy shall not relieve a person from the penalties and disabilities provided, in this subsection.

"(6) If, at any time, the money deposited in the real estate recovery fund is insufficient to satisfy any duly authorized claim or portion thereof, the commission shall, when sufficient money has been deposited in the real estate recovery fund, satisfy such unpaid claims or portions thereof in the order that such claims or portions thereof were originally filed, plus accumulated interest at the rate of four percent a year.

"(f) DUTY OF LICENSEE TO REPORT ANY LEGAL ACTION

TAKEN AGAINST HIM. It shall be the duty of every licensee, within ten days after receipt by him of a citation issued to him from any court of competent jurisdiction or within ten days from the institution of any prosecution against him, the subject matter of which involved a transaction, to which he was a party of any real estate or real estate business, or the good will of an existing real estate business to notify the Commission in writing within ten days. Such notification shall be addressed to the Commission by United States Registered Mail or Certified Mail. For failure to give such notification the Commission may suspend the license of such licensee from the date on which he receives written notice of the suspension from the licensing authority until he is reinstated by the Commission. Similarly, the licensee shall notify the Commission within ten (10) days from the date on which he enters into a compromise of any suit or a judgment by the Court of Dismissal of the action, civil or criminal, is rendered.

"(f) The sums received by the commission pursuant to any provisions of this section shall be deposited into the state treasury and held in a special fund to be known as the real estate recovery fund, and shall be held by the commission in trust for carrying out the purposes of this section. These funds may be invested in any investments which are legal for domestic life insurance companies under the laws of this state. At the end of any fiscal year wherein the recovery fund exceeds \$500,000, interest thereon shall be allocated in the following manner: all the interest shall be deposited into the state treasury and disbursed as follows: fifty percent to the general fund and fifty percent to the credit of the Alabama Real Estate Commission to be disbursed at their discretion for real estate educational purposes.

"(g) It shall be unlawful for any person or his agent to file with the commission any notice, statement or other document required under the provisions of this section which is false, untrue or contains any material misstatement of fact and shall constitute a misdemeanor.

"(h) When the commission receives notice, as provided in subsection (e), the commission may enter an appearance, file an answer, appear at the court hearing, defend the action or take whatever other action it may deem appropriate on the behalf and in the name of the defendant, and take recourse through any appropriate method of review on behalf and in the name of the defendant.

"(i) When, upon the order of the court, the commission has paid from the real estate recovery fund any sum to the judgment creditor, the commission shall be subrogated to all of the rights of the judgment creditor, and the judgment creditor shall assign all his right, title and interest in the judgment to the commission, and any amount and interest so recovered by the commission on the judgment shall be deposited to the fund.

"(j) The failure of an aggrieved person to comply with all of the provisions of this section shall constitute a waiver of any rights hereunder.

"(k) If at any time there is rendered a final judgment against a licensee under this Act, the license of the principal may be suspended. A judgment shall be considered final when no further relief is available from said judgment in the appeal courts of Alabama. In case of such suspension of license, the commission shall give notice to the licensee that his license is suspended, and said licensee shall deliver his license to the commission for disposition. Upon request by the suspended licensee, the commission will set a date designating the date, time and place thereon for a hearing on the question of whether the license under suspension should be revoked, whether the sus-

pension should be continued or whether the suspension should be terminated upon the fulfillment of reasonable conditions imposed by the commission. The hearing shall be conducted as hereinafter provided. No salesman or broker whose license has been revoked may apply for a license hereunder until at least two years after the date of such revocation and, in the event of such application for reinstatement, he shall meet all the requirements imposed upon an original applicant for a license under this Act and shall not be relicensed unless a majority of the commission votes in favor of such relicensing.

"(l) It shall be the duty of every licensee, within ten days after receipt by him of a citation issued to him from any court of competent jurisdiction or within ten days from the institution of any prosecution against him, the subject matter of which involved a transaction, to which he was a party, of any real estate or real estate business, or the good will of an existing real estate business to notify the commission in writing within ten days. Such notification shall be addressed to the Commission by United States registered mail or certified mail. For failure to give such notification the commission may suspend the license of such licensee from the date on which he receives written notice of the suspension from the licensing authority until he is reinstated by the commission. Similarly, the licensee shall notify the commission within ten (10) days from the date on which he enters into a compromise of any suit or a judgment by the court of dismissal of the action, civil or criminal, is rendered.

"Section 34-27-35.

(a) The Commission shall issue to each licensee a license in such form and of such size as shall be prescribed by the Commission. A broker's license shall show the name and business address of the licensee. A salesman's license shall show his name and the name of the broker under whom he is licensed. Each license shall have imprinted thereon the seal of the commission and, in addition to the foregoing, shall contain such matter as shall be prescribed by the commission. The license of each real estate salesman shall be delivered or mailed to the real estate broker by whom such real estate salesman is employed, and shall be kept in the custody and control of such broker. The Commission shall prepare and deliver to each licensee a pocket card, which card, among other things, shall contain an imprint of the seal of the Commission, and shall certify that the person whose name appears thereon is a licensed real estate broker or real estate salesman, as the case may be, and if it is a real estate salesman's card, shall also contain the name of his broker. The matter to be printed on such pocket card, except as above set forth shall be prescribed by the Commission.

"(b) The following fees or licenses shall be paid by all licensees in the state of Alabama. The original fee for each real estate broker's license issued to an individual shall be \$25.00, and the annual renewal fee for each such real estate broker's license shall be \$25.00. The original fee for each real estate salesman's license shall be \$15.00, and the annual renewal fee for each real estate salesman's license shall be \$15.00. The original fee for each license issued to a corporation or to a partnership shall be \$15.00, and the annual renewal fee shall be \$15.00. The original fee for each branch office shall be \$15.00, and the annual renewal fee shall be \$15.00.

"Effective October 1, 1978, any broker, salesman, corporation, partner-

ship or branch office holding a license shall file the fee for the real estate recovery fund as if an original applicant. When any person makes application for an original license to practice as a broker, corporation, partnership or branch office, he shall pay, in addition to his original license fee, a fee of \$20 for deposit in the real estate recovery fund. When any person makes application for an original license to practice as a salesman, he shall pay, in addition to his original license fee, a fee of \$10 for deposit in the real estate recovery fund. If, on September 30 of any year, the balance remaining in the real estate recovery fund is less than \$500,000, every broker, corporation, partnership and branch office, when renewing their license during the following license year, shall pay, in addition to his license renewal fee, a fee of \$10 for deposit in the real estate recovery fund, and every salesman, when renewing his license during such year, shall pay, in addition to his license renewal fee, a fee of \$5 for deposit in the real estate recovery fund.

"Annual renewal fees must accompany the certificate of continuation in business, which must be filed on or before July 31st of each ensuing year; but, in the event said certificate of continuation in business is filed after July 31st of each ensuing year, there shall be added to the above fees a penalty in the amount of 50 percent, which shall be paid before a license can be issued.

"(c) Every applicant for a license as broker or salesman, other than an applicant for renewal of an existing license, shall pay, in addition to the fees provided for in subsection (b) of this section, the examination fee of \$50.00 which payment must be made by separate certified check, cashier's check, post office money order, or money order issued by any person duly licensed to do business in Alabama under the Sale of Checks Act and, further provided, that an additional fee of \$50.00 is paid each time the examination is taken.

"(d) Each license issued by this commission under this section shall be valid without further recommendation or examination until revoked or suspended or until such license shall lapse for failure to file a certificate of continuation as provided for in this section.

"(e) Licensees under this chapter shall be exempt from the provisions of sections 5-19-22 and 5-19-27.

"(f) Each licensee shall file, on or before July 31st of each ensuing year, a certificate of continuation in business on a form prescribed by the Alabama Real Estate Commission listing all salesmen and other information as required by the commission. The certificate of continuation in business shall be mailed by the commission to the licensee's place of business prior to June 1st each year.

"Every certificate of continuation in business shall expire at midnight on the thirtieth day of September of each year. The license of any licensee who fails to file a certificate of continuation prior to the thirtieth day of September of each ensuing year shall lapse, and such broker or salesman shall be subject to all the requirements of such sections applicable to persons who have never been licensed unless the commission, for good cause shown, determines that the certificate of continuation could not have been filed by the thirtieth day of September, but is filed within 15 days from said date. No license shall be transferred during the month of September except in case of undue hardship."

Section 2. This act shall become effective October 1, 1978.

Which was adopted.



Yeas 22; Nays 0.

Abstaining 1.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Little, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague.

—22

*Nays:*

—0

*Abstaining:* Mr. Jones

—1

And said Bill, S. B. 553, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Abstaining 1.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Little, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca.

—24

*Nays:*

—0

*Abstaining:* Mr. Jones

—1

### REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 488. RELATIVE TO ADJOURNMENT OF THE TWO HOUSES.

On motion of Mr. Clemon, said Resolution was then concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Waggoner:

H. 325. To promote temperance by regulating the sale of alcoholic beverages; to authorize the Alabama alcoholic beverage control board to permit the handling and sale of table wine, containing not more than 14% alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified wine or vinous liquor, manufacturer, wine wholesaler and

wine retailer; to provide for the licensing of wine manufacturers, wine wholesalers and wine retailers by Alabama alcoholic beverage control board; to impose state filing fees thereon and to levy state license fees on wine wholesalers and retailers; to authorize the levy of county and municipal license fees thereon; to impose exclusive statewide tax on or measured by the sale of table wine and provide for the collection, administration and distribution thereof; to proscribe violations and offenses, and provide for the imposition of fines and the suspension or revocation of licenses.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 325. To the Committee on State Government.

### ADJOURNMENT

At 5:35 P.M., on motion of Mr. Peden, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, April 11, 1978, at 12 o'clock Noon.

Yeas 19; Nays 6.

*Yeas:*

Messrs. Adams, Baker, Clemon, Fine, Foshee, Gilmore, Higginbotham, Little, Mims, Mitchell, Owen, Pearson, Peden, Powell, St. John, Shelby, Stewart, Teague, Vacca.

—19

*Nays:*

Messrs. Ellis, Goodwin, Jones, Noonan, Perry, Proctor.

—6

### TWENTY-SEVENTH LEGISLATIVE DAY

TUESDAY, APRIL 11, 1978

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The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

### PRAYER

The Session was opened with prayer by the Reverend J. S. Lock, Minister, Dalraida United Methodist Church, Montgomery, Alabama.

### ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee,

Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—34

## JOURNAL

On motion of Mr. Clemon, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

## REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

U. W. CLEMON,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. Clemon, the foregoing report was concurred in and the Journal of the Senate for the Twenty-sixth Legislative Day was approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. Clemon, leave of absence was granted Mr. Jones for today.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Gafford, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Langford, Lee, Leonard, Lockett, Lutz, McCorquodale, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Thomas, Towns, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

H. J. R. 585. HONORING HUBERT GREEN, CURRENT UNITED STATES OPEN CHAMPION.

Also:

By Messrs. Gafford and Falkenburg:

H. J. R. 586. REGRETTING THE ILLNESS OF MR. LLOYD H. DAVIS AND WISHING HIM A SPEEDY RECOVERY.

Also:

By Mr. Gafford:

H. J. R. 587. COMMENDING MR. L. W. "BILL" MARTIN FOR OUTSTANDING COMMUNITY SERVICE.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. McMillan, the Rules were suspended and the Resolutions, H. J. R. 585, 586, and 587, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 436.

The following bills shall be the paramount and continuing order of business for the 27th legislative day only, upon reaching bills on third reading, taking precedence thereafter over all other business for said day:

#### Uncontested Local Bills

| Bill No.  | Page | Description                      |
|-----------|------|----------------------------------|
| S. B. 344 | 122  | Bear Creek Development Authority |
| S. B. 644 | 105  | Tenth Judicial Circuit           |
| S. B. 343 | 89   | Firearms—Felonies                |
| S. B. 760 | 126  | Unified Retirement Systems       |
| S. B. 189 | 27   | Counselors' Licensure            |
| S. B. 586 | 103  | Chattahoochee Commission         |
| S. B. 562 | 120  | Pornography                      |
| S. B. 360 | 83   | Retirement Homes                 |
| S. B. 783 | 126  | Capital Outlay—Schools           |
| S. B. 387 | 21   | Capital Outlay—Alabama A&M       |
| S. B. 662 | 114  | Kidney Foundation Exemption      |

|           |     |                                    |
|-----------|-----|------------------------------------|
| S. B. 645 | 106 | Tenth Judicial Circuit             |
| S. B. 601 | 92  | Salary Increases                   |
| S. B. 284 | 62  | Corporate Takeovers                |
| S. B. 107 | 17  | Presidential Preference<br>Primary |
| S. B. 659 | 106 | Institute for Deaf & Blind         |
| S. B. 660 | 107 | Institute for Deaf & Blind         |
| S. B. 112 | 78  | Department of Public Safety        |
| S. B. 180 | 36  | State Personnel Board              |
| S. B. 301 | 9   | Bank Holding Company               |
| S. B. 392 | 124 | Child Care Act Exemption           |
| S. B. 443 | 89  | Police Bill of Rights              |
| S. B. 130 | 48  | Automotive Dismantlers             |
| S. B. 749 | 129 | County Boards of Equalization      |
| S. B. 685 | 121 | Reserve Deputy Sheriffs            |
| S. B. 162 | 51  | Personalized Motor Vehicle Plates  |
| S. B. 725 | 139 | LP Gas Board                       |
| S. B. 36  | 75  | Deceptive Trade Practices          |
| S. B. 214 | 53  |                                    |

On motion of Mr. Clemon, said Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 539. Relating to Houston County; to prescribe the composition of the hospital board of said county; to ratify and confirm all previous acts of said board in approving and authorizing the sale of bonds for financing hospitals in said county and to provide for supplemental effect.

JOHN W. PEMBERTON,  
Clerk.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 98. To amend Sections 23-1-271, 273, 275, 278, 279, 280 and 288, a

part of the division of the 1975 Code of Alabama, known as the "Highway Beautification Act—Outdoor Advertising"; so as to provide control of outdoor advertising signs outside of an urban area beyond 660 feet of the right-of-way of interstate or primary highway systems; to provide for Court proceedings, evidentiary matters and procedures; to provide for just compensation for removal of such signs; to provide for a permit fee for the erection of such signs; and to provide penalties for violations.

Also:

S. 346. Relating to Cullman County; providing for and regulating county purchasing and the custody and use of certain county property; divesting the highway department of certain county functions and duties in relation to roads and bridges in such county, heretofore transferred to it, and revesting such functions in the Cullman County governing body; providing for the construction, maintenance and repair of county roads on the unit basis; providing for the transfer of certain funds, equipment, material and personnel from the state highway department to the county governing body; providing for the payment of salaries of certain county employees; providing that this act shall become effective only upon approval at a referendum election.

Also:

S. 579. Relating to the expenses of the members of the Pickens County Board of Education.

Also:

S. 591. To alter or rearrange the boundary lines of the City of Satsuma, Mobile County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama.

Also:

S. 605. To apply in Mobile County, Alabama, and to authorize the County Board of Health in such county to solicit, receive, hold, use and dispose of, by sale or otherwise, any gifts, devises, bequests of money, real estate, personalty or other things of value; to match or supplement such property or use same for matching purposes in carrying out and funding its activities; to further authorize such Board of Health to utilize its funds to purchase, lease or hold any real or personal property needed in carrying out its functions, to control such property belonging to the Board of Health, and to lease, sell, convey or exchange any real or personal property, or portions thereof, no longer needed or utilized by the Board of Health in carrying out its functions in the field of public health.

Also:

S. 618. To authorize the county commission or other like governing body of any county having a population of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, to select and appoint a secretary for each county commissioner, to provide for the appointment of such secretary, to provide for the salary of each secretary, and the method of payment of such secretary.

Also:

S. 623. Relating to the City of Gadsden; providing further for the

selection of candidates for membership on the board of commissioners by prescribing the dates, term of office and conduct of holding primary, run-off, and general elections to such offices.

Also:

S. 624. Relating to certain incorporated municipalities within Etowah County; providing further for the term of office, dates, and for the holding of certain elections in all incorporated municipalities within said county except the city of Gadsden.

Also:

S. 703. To alter, rearrange and extend the boundaries and corporate limits of the City of Pell City, St. Clair County, Alabama, so as to annex certain territory to the city.

U. W. CLEMON,  
Chairman.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

### REPORT OF COMMITTEES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Glass, et al:

H. 818. To authorize the county commission of any county to establish Industrial Parks within the county; to provide for the designation and regulation of such Industrial Parks; to designate the facilities to be furnished and maintained by the Industrial Parks; to exempt Industrial Parks from annexation by municipalities; to exempt Industrial Parks from being included in the police jurisdiction of municipalities; and to confirm the rights and responsibilities of county commissions, including the right of taxation.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Williams, et al:

H. 118. To amend further Chap. 6, Section 2, Title 32, Code of Alabama as amended, relating to persons exempt from securing an Alabama drivers license, so as to exempt nonresidents who are on active duty in the armed forces of the United States and their dependents and students enrolled in a school, college, university or trade school in this state who possess a valid drivers license issued by their home state.

By Mr. Falkenburg:

H. 9. To provide for the definition of death in cases where respiratory and cardiac functions are maintained by artificial means, to further provide that nothing in the Act shall be construed to prohibit a physician from using customary procedures for determining death in other cases, and to make additional provisions pertaining to the determination of death in those cases in which some part of the body is to be donated for transplantation.

By Messrs. Shelton and Holmes (D):

H. 262. To create and define the criminal offense of discharging a firearm into an occupied dwelling and to prescribe criminal penalties therefor.

By Mr. Holmes (D):

H. 711. To authorize counties and incorporated municipalities in this state to form a regional, nonprofit, public corporation which will provide for the temporary care and custody of youths who have been placed under the jurisdiction of a juvenile court; to provide for the chartering and general organizational structure of such corporation; to authorize governing bodies of such counties and municipalities to appropriate monies for the support of such corporation's facilities and programs; to provide for local control by the corporation's board of directors of the operation of any of such corporation's facilities and programs and to provide certain tax exemptions for such corporation.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Smith (C) (With Amendment):

H. 11. To provide that any person who produces, displays, disseminates, or possesses with intent to disseminate obscene matter displaying or depicting children under the age of seventeen years engaged in lewd sexual activity or any parent or guardian who knowingly permits their child to be depicted therein shall be guilty of a felony and punished as provided herein, to provide a method of proof that such child is under the age of seventeen, to provide that possession of six or more copies of the same obscene material is prima facie evidence of intent to disseminate the same and to provide for the forfeiture and condemnation of certain property used in or related to the defined crimes, and to provide definitions for its provisions.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Falkenburg, et al:

H. 179. To provide that Alabama enter into the Interstate Agreement on Detainers Act, with other memberstates, which promotes cooperation between the several states to secure a speedy trial of persons already incarcerated in other jurisdictions by the expeditious and orderly disposition of all detainers based on untried indictments, information or complaints; and to further provide for the uniform mandatory disposition of detainers so as to prescribe the manner and procedures for release of detainers available to



incarcerated persons against whom there is pending untried indictments, information or complaints.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. White, Biddle and Sasser:

H. 294. To amend Section 34-24-75 of the Code of Alabama, 1975, so as to provide for the issuing of limited certificates of qualification to practice medicine without examination to physicians enrolled in approved residency training programs.

Mr. Fine, Chairman of the Standing Committee on Banking, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gafford:

H. 342. To amend the Code of Alabama 1975, sections 40-16-1, 40-16-3, 40-16-4, and 40-16-5, so as to qualify the common parent corporation of a controlled group of financial institutions recognized as a registered bank holding company, as a financial institution as defined in the Code of Alabama 1975, Financial Institution Excise Tax, section 40-16-1, for excise tax purposes and thus exempt from income taxes; so as to prevent taxation of intercompany dividends within such a controlled group of corporations; so as to change the due date of the return required by the department of revenue from within the first 10 days of April in each year, to April 15 of each year; so as to permit qualified controlled corporate groups currently required to file Alabama excise tax returns on a separate basis to file on a consolidated basis; so as to establish a prima facie liability for the amount of excise tax due in accordance with the amount shown to be due by the taxpayer's return; so as to change the due date for the payment of the excise tax assessed from within 30 days of notice of assessment by the department of revenue to April 15 of each year, to provide an interest penalty upon delinquent unpaid balances after April 15, and to provide installment payments in the case of an extension of the due date of the return; so as to provide a statutory period of limitations upon assessment and collection of excise taxes; so as to repeal conflicting laws; and so as to give this Act retroactive effect.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McDonald (A) (with notice and proof):

S. 95. Relating to Madison County; to empower the several district commissioners on the county commission or other like governing body to authorize the opening of any grave within their district for the interment services of deceased individuals and to repeal all conflicting statutes.

By Mr. McDonald (A) (with notice and proof):

S. 380. Relating to Madison County; to prescribe a certain tax stamp procedure for evidencing the payment of all privilege license taxes imposed

by the municipalities therein upon the sale, use, consumption, distribution, storage or withdrawal from storage, of all beer, malt or brewed beverages in such county; to empower the governing bodies of such municipalities to promulgate rules and regulations to carry out the purposes of this act and to empower the Sheriff of said county to enforce such rules and regulations.

By Mr. Teague (with notice and proof):

S. 658. To amend Section 16 of Act No. 1728, H. 2522, Regular Session 1971 (Acts of 1971, vol. IV, P. 2889), which provides for travel and other expenses for the members of the county commission in St. Clair County, so as to further regulate such travel expense allowances.

By Mr. Noonan (with notice and proof):

S. 695. Relating to Mobile County; to provide an expense allowance for the county treasurer, payable from county funds.

By Mr. Roberts (with notice and proof):

S. 698. To provide that procedural and substantive rights be accorded law enforcement officers of Mobile County; defining the right to counsel secured by the Sixth Amendment of the United States Constitution and procedural due process rights of hearings conducted to determine alleged misconduct of any officer; providing for access to records pertaining to fitness for duty and amendment of records pertaining to fitness for duty; providing for the processing of grievances and complaints against law enforcement officers; and providing that any law enforcement officer may bring a civil action for damages suffered while on official duty in Mobile County.

By Mr. Roberts (with notice and proof):

S. 699. To provide retirement benefits for elected officials in all municipalities in Mobile County and to provide for the payment of such benefits.

By Mr. Wilson (with notice and proof):

S. 761. To further amend Section 1 of Act No. 103, H. 372, Regular Session, 1963 (Acts of Alabama 1963, p. 486) so as to further provide for the salary of the superintendent of education of Walker County.

By Mr. Mims (with notice and proof):

S. 767. Relating to Escambia County; providing for the payment or reimbursement by said county to the members, including the chairman of the county commission, of their actual expenses incurred in the performance of their duties outside the county, including expenses incurred by them in attending conventions of the National Association of County Commissioners and the Alabama Association of County Commissioners.

By Mr. Mims (with notice and proof):

S. 768. Relating to Escambia County; to provide for the compensation of the sheriff and all deputies sheriff other than the chief deputy sheriff in such county.

By Mr. Mims (with notice and proof):

S. 769. Relating to Escambia County; to provide for the compensation of the sheriff of said county.

By Mr. Mims (with notice and proof):

S. 770. Relating to Escambia County; to allow students of cosmetology or barbering in such county who have completed 250 hours of study in a registered school of cosmetology or barbering to work in a duly registered beauty shop or barber shop during non-school hours.

By Mr. Mims (with notice and proof):

S. 771. Relating to Escambia County; to provide that the county commission of Escambia County may allocate and distribute among the several presently incorporated municipalities of Escambia County on a pro rata basis 33 1/3 percent of any oil and gas privilege tax monies which may be received by Escambia County under the authority of any general or local law enacted by the legislature of Alabama after January 1, 1978.

By Mr. Mims (with notice and proof):

S. 772. Relating to Escambia County; to amend further Act No. 411, H. 742, 1963 Regular Session (Acts 1963, p. 912), as amended, which act creates a county governing body for Escambia County, so as to authorize the governing body to establish a personnel board for the county and to prescribe the powers, duties and compensation of any such board; and to repeal Act 497, H. 1149 of the 1977 Legislature of Alabama (1977 Acts, p. 648) entitled, "An Act To provide for the establishment of a merit system for certain counties and municipal law enforcement officers in Escambia County, Alabama, and a merit system board governing the removal and official conduct of such officers; defining violations of the act; imposing penalties for violations; and repealing conflicting laws."

By Mr. Mims (with notice and proof):

S. 773. To create an Industrial Development Authority for Escambia County for the purpose of promoting industry and trade and the development of said county; to provide for the organization, powers, functions, duties and personnel of such Authority and to provide for the payment of the expenses of such Authority and for the compensation of its employees.

By Mr. St. John (with notice and proof):

S. 775. To increase the salaries of certain officials of Cullman County and to provide for the manner of their payment.

By Mr. St. John (with notice and proof):

S. 776. Relating to Cullman County; to provide for the distribution and expenditure of any payments coming into the treasury of Cullman County that are derived, directly or indirectly, from payments by the Tennessee Valley Authority in lieu of the payment of ad valorem taxes.

By Mr. St. John (with notice and proof):

S. 777. Relating to Cullman County, to regulate further the compensation of the tax assessor and tax collector and to repeal conflicting laws.

By Mr. St. John (with notice and proof):

S. 778. Relating to Cullman County; to regulate employment practices with regard to road employees; to establish a county road personnel

board and provide for its powers, jurisdiction, duties, compensation and allowances, membership, office space, supplies, equipment and clerical assistance; to provide for examination of job applicants; to establish procedures for employment and for suspension, discharge and other disciplinary actions and to provide for appeals from such actions and from decisions of the board; to prescribe duties and powers of the county governing body and the sheriff with regard to the board; to provide penalties for certain violations; to prohibit certain activities on the part of employees; to make the effectiveness hereof contingent upon the enactment of Senate Bill 346 of the 1978 Regular Session and its approval by the electors of the county at the referendum election provided for therein.

By Mr. St. John (with notice and proof):

S. 779. Relating to Cullman County; to authorize the county governing body to expend county funds without regard to the competitive bid law, to purchase supplies and equipment for volunteer fire departments and fire units.

By Mr. St. John (with notice and proof):

S. 780. To authorize municipalities of Walker County to elect to participate in the county civil service system and to provide for certain fees for employees of municipalities which so elect to be covered by the county merit system.

By Mr. St. John (with notice and proof):

S. 781. Relating to Walker County, to create a license-issuing division within the probate judge's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to abolish the office of county license inspector as of January 1, 1979; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and costs pursuant to such system of renewal of motor vehicle licenses by mail; to create a special fund in the county treasury to receive such additional fees and costs of renewal by mail; and to authorize the establishment of auxiliary stations within the county for the sale of motor vehicle licenses and tags or decals.

By Mr. St. John (with notice and proof):

S. 782. To provide that no state penitentiary or other state correctional or penal institution shall be located within the boundaries of Walker County unless approved by a majority of the qualified electorate of the county.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Teague (with notice and proof) (With Amendment):

S. 788. Relating to St. Clair County; to require the county governing body of said county to provide for a civil service merit system for employees of the sheriff's office in said county.

Mr. Baker, Chairman of the Standing Committee on Local Legislation

No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Powell (with notice and proof):

S. 789. Relating to Montgomery County; to provide additional compensation for the members of the Board of Registrars.

By Mr. Powell (with notice and proof):

S. 790. Relating to Montgomery County, Alabama; to provide that in addition to all presently existing pistol permit fees charged in said County, there is hereby levied an additional pistol permit fee in the amount of \$5.00; to provide that \$3.00 of said additional fee be paid into the County treasury for the establishment and maintenance of a fund which is hereby designated and entitled as the "Sheriff's Fund"; to provide for the use of said Sheriff's Fund; to provide that \$1.00 of the additional fee collected shall be credited to the County's portion of contribution for Class II employees, under any retirement plan in effect in said County; the remaining \$1.00 of the additional fee collected shall be credited to the General Fund of the County; to provide for the payment of the sum of \$2.00 for the issuance of a duplicate pistol permit; \$1.00 of which shall be credited to the County's portion of contribution of Class II employees, under any retirement plan in effect in said County and the remaining \$1.00 to be credited to the General Fund of said County.

By Mr. Powell (with notice and proof):

S. 791. Relating to Montgomery County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses; giving this act retroactive effect.

By Mr. Teague (with notice and proof):

S. 796. Relating to St. Clair County, to authorize and direct the county governing body to distribute certain beer tax revenues collected pursuant to Act No. 515, H. 1028, 1969 Regular Session (Acts 1969, p. 985) to certain agencies and institutions within the county.

By Mr. Teague (with notice and proof):

S. 794. To amend the title and Section 1 of Act No. 903, H. 1850, of the 1975 Regular Session (Acts 1975, p. 1786), entitled "An Act Relating to thirtieth judicial circuit; providing for the compensation of the clerk-secretary for the office of district attorney of said judicial circuit; and prescribing the duties of such clerk-secretary" so as to specify that said act shall only be applicable to the clerk-secretary in the Blount County office of such district attorney and to provide retroactive effect to October 8, 1975.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Martin, et al:

H. 426. Relating to voter registration; to provide for a board of registrars, their duties, terms and compensation; to provide for the registration of electors; to provide for clerical help and office supplies for registrars; to

provide for meetings and times and places of registration by the board; to provide penalties for certain violations; to provide for the publication of the list of registered voters; to provide for deputy registrars; and to repeal Code of Alabama, 1975, Sections 17-3-1 through 17-4-24, 17-4-40 through 17-4-47, 17-4-60 through 17-4-67 and other conflicting laws.

By Mr. Turnham:

H. 769. To require the State Building Commission to adopt, promulgate and enforce a state building code which contains energy conservation measures; to provide that said code is to be used in all future construction or remodeling of buildings which are constructed with state appropriated funds; to prescribe duties for the director of the technical staff and to establish minimal energy conservation criteria.

By Messrs Holley and Folmar:

H. 767. To name the Fine Arts Building at Enterprise State Junior College, Coffee County, Alabama, the "B. A. Forrester Building"; unit one of said facility is already completed with two additional units scheduled for construction.

By Messrs. Fine, Foshee, Owen and Mims:

S. 799. To provide that it shall be unlawful to commercially show or publish the obscene film entitled "The Many Faces of Jesus" or "The Love Affairs of Jesus" in the State of Alabama; and to prescribe penalties for violations.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Merrill (With Substitute) (With Amendments):

H. 245. To make annual appropriations for the support, maintenance, and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1979.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hines:

H. 3. To amend Section 40-20-2 of the Code of Alabama 1975 so as to increase the tax rate from 4% of gross value to 6% of gross value and to amend Section 40-20-8 of the Code of Alabama 1975 so as to provide that the increased collection shall be divided 50% to the counties in which the oil or gas is severed and 50% to the state general fund; to provide that such tax increase shall not apply to any well producing less than 26 barrels of oil per day; and to provide that the tax increase provided for by this act shall not apply to any new well that comes into production within a period of three years after the effective date of this act.

By Mr. Merrill:

H. 249. To make appropriations for the support and maintenance of the Marion Military Institute.

By Messrs. Merrill, Naramore and Crowe:

H. 442. To make appropriations for the support and maintenance of the Walker County Junior College.

By Messrs. Merrill and McCluskey:

H. 451. To make appropriations for the support and maintenance of the Talladega College.

By Messrs. Merrill and Reed:

H. 452. To make appropriations for the support and maintenance of the Tuskegee Institute.

By Mr. Turnham:

H. 486. To make appropriations for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1979.

By Messrs. Crowe and Owens:

H. 332. To amend Section 40-12-270 of the Code of Alabama 1975, so as to make further provisions as to the use of that portion distributed to the state of the proceeds of the motor vehicle license taxes and registration fees imposed by Division 1, Article 5 of Chapter 12, Title 40, Code of Alabama 1975, as amended.

By Messrs. Crowe and Owens:

H. 333. To make further provision for the issuance of bonds by Alabama Highway Finance Corporation by (i) amending Section 23-1-177 of the Code of Alabama 1975 so as to limit to Twenty-five Million Dollars the principal amount of bonds (other than refunding bonds) authorized to be issued by the said corporation after February 1, 1978, and so as to provide that no bond issued under Article 7 of Chapter 1 of Title 23 of the said Code may mature later than twenty years from its date, (ii) supplementing the said Article 7 by the appropriation and pledge of funds necessary to pay the principal of and the interest on bonds issued after February 1, 1978, under the said Article 7, and specifying the rank of precedence of the pledges for the benefit of the said bonds, and (iii) repealing Section 9 of Act No. 228 adopted at the 1965 Regular Session of the Legislature.

By Messrs. Crowe and Owens:

H. 334. To amend Article 1, Chapter 17 of Title 40 of the Code of Alabama 1975 (relating to the excise tax on motor fuel as defined in the said Article 1), so as to make further provision for the disposition of the proceeds of the tax levied thereby.

By Messrs. Crowe and Owens:

H. 335. To amend Division 2, Article 2 of Chapter 17 of Title 40 of the Code of Alabama 1975 so as to make further provisions as to the distribution of the proceeds of the highway gasoline tax, as that term is defined in the said Division.

By Messrs. Crowe and Owens:

H. 336. To amend Section 15 of Act No. 565 adopted at the 1976 Regular Session of the Legislature so as to clarify the said section; so as to provide that the pledges, provided for in the said Act No. 565, as amended by this act, of proceeds from certain taxes and fees as security for \$212,000,000 principal amount of obligations of Alabama Federal Aid Highway Finance Authority will be subject and subordinate not only to existing prior pledges but also to (i) all pledges of proceeds from the said taxes and fees that may hereafter be made as security for \$25,000,000 principal amount of bonds of Alabama Highway Finance Corporation and (ii) all pledges of the said proceeds that may be made after December 1, 1977, for the benefit of certain refunding bonds; and so as to delete the portion of the said Section 15 that provides for the pledge, for the benefit of obligations issued under the said Act No. 565, of the registration fee imposed by subdivision (5) of Section 37-3-32 of the Code of Alabama 1975.

By Messrs. Sonnier and Sandusky:

H. 557. To authorize the establishment of public corporations with the power to cooperate with and lend financial assistance and other aid to municipalities, communities, counties, individuals and public and private corporations in matters and undertakings pertaining to the restoration, renovation, preservation, improvement, protection and maintenance of any public or private property within the state that has been listed in the National Register of Historic Places.

By Mr. Crawford, et al:

H. 869. To authorize the execution of, and to give advance approval to, a compact between the State of Alabama and the State of Georgia to identify, acquire, own, transport, renovate, maintain, and exhibit historic or military articles, exhibits and attractions; to promote tourism throughout the Chattahoochee Valley; to establish a joint agency to be known as the Historic Chattahoochee Commission and other offices for the administration of the compact; to prescribe the authority, powers, duties and functions of the Commission and its members, officers, and committees; and to provide penalties for violation of certain provisions of the compact.

By Mr. Vacca:

S. 673. To amend Act No. 556 of the Regular Session of the Legislature of Alabama of 1959, approved November 19, 1959 (Ala. Acts, 1959, p. 1376), as heretofore amended, which Act established a supplemental pension and relief or retirement system for firemen and policemen who are members of any pension and relief system established under Act No. 929 of the Regular Session of the Legislature of Alabama of 1951 (Ala. Acts, 1951, p. 1579).

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Perry (with notice and proof) (With Substitute):

S. 798. To provide for the method of compensation by placing certain officers of Macon County on a salary and fixing the amount of compensation subject to the passage, ratification and proclamation by the Governor of an



amendment to the Alabama Constitution of 1901, to be effective retroactively or prospectively.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Perry (with notice and proof):

S. 797. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of Macon County; and providing for provisions of the amendment to be retroactive.

The above Bill was read a second time at length as required by the Constitution.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mitchem:

H. 994. To name the National Guard Armory at Albertville, Alabama, the "Robert C. Davis National Guard Armory".

Mr. McDonald (S), Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Campbell, et al:

H. 522. To amend Section 16-53-3, Code of Alabama 1975, relating to the board of trustees of Livingston University, so as to further provide for the membership of such board.

## SPECIAL ORDER

### BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first item of which was the Bill:

S. 428. Relating to Mobile County; providing further for the government of the county; abolishing the three member county commission and creating a four member commission in lieu thereof; providing for the selection of the members of the commission, and prescribing their qualification, terms, and compensation; providing for the organization and jurisdiction of the commission, and the powers and duties of its individual members.

And said Bill, S. B. 428, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Goodwin,

Higginbotham, King, Little, McDonald (S), McMillan, Mims, Noonan, Owen, Peden, Perloff, Powell, Roberts, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 758. Relating to Crenshaw County; to authorize, provide for the licensing, regulation, operation, and hunting on privately owned hunting preserves, stocked by artificially propagated upland birds; to prescribe the fees for such licenses; to provide for their collection and distribution; and to provide for revocation of such licenses.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Peden, Perry, Powell, Roberts, St. John, Stewart, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 985. Relating to Washington County; raising the sheriff's salary to \$18,000, beginning with the next term; repealing any expense allowances.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, McDonald (A), McDonald (S), Mims, Noonan, Owen, Peden, Perloff, Perry, Proctor, Roberts, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 986. Relating to Washington County; providing for service of jury summonses, witness subpoenas, notice of appointment of election officials and notice of tax liens by mail.

Was read a third time and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, McDonald (A), McDonald (S), Mims, Noonan, Owen,

Pearson, Perloff, Perry, Proctor, Roberts, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1005. Relating to Washington County; to provide further for the compensation of poll officials and poll workers.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), Mims, Mitchell, Noonan, Owen, Perloff, Perry, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 787. To further amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama of 1951, pp. 1579, et seq.), as heretofore amended, which said Act, as heretofore amended, is entitled "An Act to create or provide in or for each and every city of the State of Alabama having a population of two hundred fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city for the purpose of retrospective and prospective application of the terms or provisions of such system; to make the provisions of such system applicable on and after September 1, 1969, to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and to provide membership in the system for certain employees of a Civic Center Authority in any county in which any such city may be located."

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following amendment to the Bill, S. B. 787, to-wit:

#### AMENDMENT TO S. B. 787

Amend S. B. 787 by striking out the word twenty where it appears on line 12 in the Synopsis; on lines 11 and 14, on Page 2, Section 23, and insert in lieu thereof the word twenty-five (25).

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Ellis, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Peden, Perloff, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Vacca, Wilson.

—25

*Nays:*

—0

And said Bill, S. B. 787, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Ellis, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Peden, Perloff, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 234. To name that portion of U. S. Highway 280 from the north boundary of Sylacauga, Alabama, "The Jim Nabors Highway."

was taken up.

Mr. Proctor offered the following substitute for the Bill, H. B. 234, to-wit:

#### SUBSTITUTE FOR H. B. 234

#### A BILL TO BE ENTITLED AN ACT

To name that portion of U. S. Highway 280 from the north boundary of Talladega, Alabama to the south boundary of Coosa County, "The Jim Nabors Highway."

WHEREAS, James Thurston Nabors is a native of Sylacauga, Talladega County, Alabama, born June 12, 1932, son of Fred Canada and Mavis Pearl Newman Nabors; and

WHEREAS, he was educated in the public schools of Sylacauga and graduated with a B. S. Degree from the University of Alabama where he was a member of Delta Tau Delta Fraternity; and

WHEREAS, Jim Nabors first appeared in 1962 as "Gomer Pyle" on the nationally televised "Andy Griffith Show" and as a result of his tremendous popularity and reception by the American public, starred in his own series, "Gomer Pyle, U.S.M.C." which even today is being shown and enjoyed on television stations from coast to coast; and

WHEREAS, for many years, Jim Nabors has continued to delight mil-

lions of fans throughout the world, not only as a versatile comedian, but also as an exceptionally talented singer and musician and as such, is one of the most popular figures in the entertainment field today; and

WHEREAS, this body is indeed grateful and appreciative of the fame and honor Jim Nabors, our native son, has brought to the State of Alabama; now therefore,

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the portion of U. S. Highway 280 from the north boundary of Talladega, Alabama to the south boundary of Coosa County is hereby designated as, "The Jim Nabors Highway."

Section 2. The proper authorities are directed to cause appropriate signs and markers to be erected and maintained in designating said portion of U. S. Highway 280 as "The Jim Nabors Highway."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 23; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, King, Little, McDonald (S), Mims, Mitchell, Noonan, Owen, Peden, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Waldrop.

—23

*Nays:*

—0

And said Bill, H. B. 234, as thus amended by the substitute, was read a third time at length and passed.

Yeas 23; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Little, McDonald (S), Mims, Mitchell, Noonan, Owen, Peden, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Waldrop.

—23

*Nays:*

—0

The Bill:

S. 792. Relating to Jefferson County, to provide for a procedure for the payment of certain debts upon the annexation of all or a part of a fire district by any municipality of the county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Gilmore, Higginbotham, King,

Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Pearson, Peden, Perloff, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

S. 793. To repeal Act No. 604, H. 541, 1976 Regular Session (Acts 1976, p. 820) which act provides for the annexation of fire districts by municipal corporations in counties having populations of 600,000 or more according to the 1970 or any subsequent federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Ellis, Foshee, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McMillan, Mims, Owen, Pearson, Peden, Perloff, Powell, Proctor, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 651. To make it unlawful and constitute a misdemeanor to build, maintain or use an unsanitary sewage collection, treatment and disposal facility within Jefferson County, but excluding certain plumbing within municipalities and the unincorporated areas of the County; to authorize the Jefferson County Board of Health to adopt rules and regulations for the administration of this Act; to authorize the Jefferson County Board of Health to require the installation of required type and number of facilities; to require the submission of plans and specifications applying to sewage collection, treatment and disposal to the Jefferson County Board of Health; to provide for the approval of plans and specifications and issuance of permits for construction; to require certificates of competency, issued by the Jefferson County Board of Health, before any person, firm or corporation shall install, repair, clean or maintain any on-site wastewater disposal system; to provide the basis for issuing and revoking such certificates of competency; to require a surety bond to assure compliance with the provisions of this Act and the rules and regulations promulgated hereunder; to repeal all laws in conflict with this Act; and to provide penalties for violation of this Act, and certain rules and regulations.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following amendment to the Bill, H. B. 651, to-wit:

#### COMMITTEE AMENDMENT TO H. B. 651

Amend the first sentence in the Title of H. B. 651 by deleting therefrom the words "and constitute a misdemeanor".

Amend Section 1, in the first sentence, by deleting therefrom the words "and shall constitute a misdemeanor".

Further amend H. B. 651 by deleting Section 5 in its entirety and substitute in lieu thereof a new Section 5 to read as follows:

"Section 5. Any person, firm, or corporation failing to comply with, or continuing to maintain in violation of, the provisions of this act may be enjoined by a circuit court in Jefferson County, upon suit brought on behalf of the Jefferson County Board of Health."

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Proctor, Shelby, Teague, Vacca, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 651, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Proctor, Shelby, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 758. Relating to any county having a population of 500,000 or more, according to the 1970 or any subsequent federal decennial census; providing further for the pay for the chief inspectors of voting boxes within said county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Proctor, St. John, Shelby, Stewart, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 805. To further amend Section 10 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) establishing a retirement system for employees and officers of Jefferson County, Alabama, as heretofore amended.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Pearson, Peden, Perloff, Perry, Proctor, St. John, Shelby, Stewart, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 819. To further amend Section 12 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) establishing a retirement system for employees and officers of Jefferson County, Alabama, as heretofore amended.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Peden, Perloff, Perry, Proctor, St. John, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 894. To further amend Section 1 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) establishing a retirement system for employees and officers of Jefferson County, Alabama, as heretofore amended.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Peden, Perloff, Perry, Proctor, St. John, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0



The Bill:

H. 901. To authorize the governing body of Jefferson County, Alabama to offer and pay a reward to any person furnishing information which leads to the arrest and conviction of any one, or more, of the offense of embezzling, stealing, willfully or maliciously destroying, or damaging, property of such County, the board of education of said County or of any agency of the County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Proctor, St. John, Shelby, Stewart, Vacca, Wilson.

—25

Nays:

—0

The Bill:

H. 946. To further amend Act No. 79, H. 99, 1966 Special Session (Acts 1966, p. 106), which act provides for the creation and operation of districts for fire protection and certain other public services in Jefferson County, so as to provide that service charges levied by such districts shall be obligations of property owners of the district served.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Proctor, St. John, Shelby, Stewart, Vacca, Wilson.

—25

Nays:

—0

The Bill:

H. 990. To provide for an Assistant Judge of Probate of Jefferson County and to prescribe the qualifications, duties and benefits of such Assistant Judge of Probate.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following substitute for the Bill, H. B. 990, to-wit:

## COMMITTEE SUBSTITUTE FOR H. B. 990

A BILL  
TO BE ENTITLED  
AN ACT

To create the office of assistant judge of probate of Jefferson County; to prescribe the qualifications, duties and benefits for such office; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to the Office of Probate Judge of Jefferson County. There is hereby created the office of Assistant Judge of Probate in Jefferson County. Such judge shall be learned in the law, over the age of twenty-five years and a resident of Jefferson County for one year or more next preceding the date of taking office. He shall be appointed by the Judge of Probate from a list of three eligible persons selected and submitted to him as follows: If there is in such county a Judicial Commission pursuant to law or any amendment to the Constitution of Alabama to select eligibles for appointment to vacancies in the office of Circuit Judge in Jefferson County, the Judicial Commission shall accept applications and submit the names of the three best qualified persons to the Judge of Probate, in the same manner as the Judicial Commission would select eligibles for appointment to a Circuit Judge vacancy. If there is no such Judicial Commission in Jefferson County, or if such Judicial Commission fails to act, then a committee composed of three members—(1) one of whom shall be a circuit judge of Jefferson County appointed by the presiding judge of the circuit court of Jefferson County, (2) one shall be a practicing lawyer experienced in probate court matters in Jefferson County to be appointed by the president of the Bar Association having the largest membership in Jefferson County, and (3) one shall be a non-member of the Bar Association appointed by the county commission or other county governing body—shall receive applications and certify the three deemed best qualified for such office. Vacancies shall be filled in like manner. The members of such Judicial Commission or other committee shall serve without compensation for such services.

Section 2. Under the general authority, supervision and direction of the Judge of Probate, such Assistant Judge shall be the administrative officer of such probate court, and further shall have the following authority and powers:

1. All of the powers, authority and responsibilities now vested or which may hereafter be vested by law in the chief clerk of such court.
2. All authority, powers, duties and responsibilities of the clerk-and-register of any such probate court, as provided in Act No. 558 of the Regular Session of 1959 of the Legislature of Alabama.
3. To serve as master and hold references in matters involving contested claims and ascertainment of condemnation awards, and make written report of the findings.
4. To appoint administrators ad litem and appoint notaries public and to appoint legal representatives for recipients of public assistance funds, when such duties and authority are vested in the judge of probate.
5. To hear and determine petitions for adoptions, change of names, legitimations, annexation and other municipal elections, and applications for commitment of mental patients.

6. To do all other acts and things and perform all other duties that the judge of probate could do and perform.

7. The Assistant Judge shall be a full-time employee and shall not engage in any other employment.

All of the official acts of such Assistant Judge of Probate shall be performed in his own name. The Assistant Judge of Probate may be appointed to serve as special judge of probate in accordance with such authority as is now provided by Section 12-13-37, Code of Alabama 1975.

Section 3. Such Assistant Judge of Probate, before he enters upon his duties, must take the oath directed to be taken by the officers of this state, and give bond, with surety, under the same conditions and penalties as are provided for the Probate Judge in Title 12, Chapter 13 of the Code of Alabama 1975, and other provisions of law applicable to such office in such county, the costs and expenses of which shall be paid for as costs of the official bonds for other county officers in such county are paid.

Section 4. The Assistant Judge of Probate shall be a county officer, and shall serve under the provisions of laws applicable to such office, and he shall be entitled to the same benefits as other county officers are entitled. He shall be subject to the same liabilities, penalties and responsibilities for his acts as are provided by law for or on the Judge of Probate. The Assistant Judge (or Associate Judge) shall hold office for the term of the Judge appointing him, but subject to removal by the Judge for cause by order to be entered at length on the minutes of the court. The salary for the Assistant Probate Judge shall be equal to 90% of the salary paid the Probate Judge of Jefferson County and such salary shall be paid and increased or lowered as the salary for the Probate Judge in Jefferson County is increased and lowered, and paid.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains. This Act is cumulative.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Ellis, Fine, Gilmore, Higginbotham, King, Little, McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Peden, Perry, Proctor, Roberts, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 990, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Ellis, Fine, Gilmore, Higginbotham, King,

Little, McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Peden, Perry, Proctor, Roberts, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

### RECESS

At 12:40 P.M., on motion of Mr. Owen, the Senate took a recess until 1:30 P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Hill:

**H. J. R. 589. MEMORIALIZING CONGRESS IN OPPOSITION TO CHANGE IN FREQUENCY OF DEPOSITS OF SOCIAL SECURITY CONTRIBUTIONS.**

WHEREAS, the Federal Social Security Administration has unilaterally and arbitrarily proposed a change in regulations to require the State of Alabama to deposit social security contributions of their public employee groups on a more frequent basis than the presently quarterly deposits; and

WHEREAS, when the State of Alabama voluntarily entered into an agreement, in 1951, under Section 218 of the Federal Social Security Act, with the Federal Social Security Administration, to furnish coverage for its public employee groups, it did so on the basis of deposits of contributions on a quarterly basis only; and

WHEREAS, the State of Alabama considers this proposed change in regulations to be a harshly unilateral and expensive violation of the spirit of the original agreement, after the fact, and without consideration; now therefore

BE IT RESOLVED, by the Legislature of Alabama, both Houses, thereof, concurring that the Federal Congress pass Senate Bill 1967, or House Bill 11659, to statutorily require the Federal Social Security Administration to observe the contractual agreement to make deposits of employee and employer contributions by public groups in the State of Alabama, on a quarterly basis only.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 589, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Hill, Greer, Coburn, Goodwin, Andrews, Armstrong, Barron, Biddle, Boles, Campbell, Carothers, Carter, Cates, Crawford, Cross, Crowe, Dial, Edwards, Folmar, Gafford, Gregg, Hall, Holley, Jackson (F), Johnstone, Jolly, Kelley, Killian, Lockett, McCorquodale, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Roberts, Sandusky, Sasser, Smith (B), Sonnier, Sparks, Taylor, Thomas, Trammell, Venable, Waggoner, Ward, Warren, Weeks, White, Williams and Wyatt.

H. J. R. 588. URGING PRESIDENT CARTER'S SUPPORT OF H. R. 6782, THE EMERGENCY AGRICULTURAL ACT OF 1978, NOW PENDING IN THE UNITED STATES CONGRESS.

WHEREAS, the Legislature of Alabama is cognizant that many of the punitive programs and policies adversely affecting the American farmer are of long years standing and therefore inherited by the present administration; this legacy, however, has yet to be renounced and continues to keep our farmers fettered in a yoke of economic depression, bridled in poverty to the point of financial ruin; and

WHEREAS, further, this body, in spoken sympathy, hereby states its adamant support of immediate and positive action to remedy existing inequities and to provide some measure of relief for the deplorable economic plight of the American farmer; and

WHEREAS, H. R. 6782, the Emergency Agricultural Act of 1978, now pending in the United States Congress, includes provisions for flexible parity, increased loan rates and expanded acreage set-aside, among other measures, which have the support of vast numbers of our nation's farmers; and

WHEREAS, said Act, approved by the Senate and expected to pass in the House of Representatives is a step in the right direction, positive action which, with the support of the President and that of his administration, would serve to help place our farmers on the road to economic stability; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most strongly urge the support of President Carter and his administration of the Emergency Agricultural Act of 1978, respectfully requesting his enactment into law a bill that will enable our farmers to continue to meet the agricultural needs of all our citizens.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to President Carter with copies also forwarded to each member of the Alabama Congressional Delegation in Washington, D. C.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 588, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Merrill:

H. J. R. 583. NAMING THE PERFORMING ARTS-CLASSROOM BUILDING PRESENTLY UNDER CONSTRUCTION AT JACKSONVILLE STATE UNIVERSITY, "ERNEST STONE HALL."

WHEREAS, Ernest Stone, a native of Crossville in DeKalb County, Alabama, is presently serving as President of Jacksonville State University, a position he has held since January, 1971; and

WHEREAS, President Stone holds a B.S. Degree from Jacksonville State University, B.A. and M.A. Degrees from the University of Alabama and LL.D. Degree from both the University of Alabama and Samford University; he has served as principal of both Kilpatrick Junior High School in Crossville and of Crossville High School, as Superintendent of the DeKalb County Schools and also as State Superintendent of Education from 1967 to 1970; and

WHEREAS, Dr. Stone is one of our state's most distinguished educators having served his chosen profession all his adult life with the exception of World War II, during which time he was in the United States Navy; and

WHEREAS, a member of the prestigious Alabama Academy of Honor, Dr. Stone is also a member of many professional organizations such as the Alabama Association of Secondary School Principals and the Alabama Education Association of which he is past president; he is a member of the Rotary Club, Masons, Shriners, a past Commander of the Alabama American Legion, was a state-at-large delegate to the Democratic National Convention of 1956 and a Presidential Elector in 1968; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, in honor of Dr. Ernest Stone, this body hereby names and designates the performing arts-classroom building presently under construction at Jacksonville State University, "Ernest Stone Hall."

BE IT FURTHER RESOLVED, That proper authorities are directed to erect and maintain appropriate signs and markers so designating said building as "Ernest Stone Hall."

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 583, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Merrill:

H. J. R. 582. REQUIRING THE HIGHWAY DEPARTMENT OF THE STATE OF ALABAMA TO ERECT PROPER SIGNS ON I-20 INDICATING THE ANNISTON EXITS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Highway Department of the State of Alabama is hereby required to cause proper signs to be erected on I-20, both East and West, indicating the Anniston Exits.

BE IT FURTHER RESOLVED, That the Clerk of the House deliver copies of this resolution to the Director of the Alabama Highway Department.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 582, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Folmar:

H. J. R. 575.

WHEREAS, Troy State University is currently celebrating its ninety-first year of service to the people of the State of Alabama; and

WHEREAS, Troy State University, since its establishment in 1887, has awarded 23,344 degrees of which more than 73 per cent were during the administration of Dr. Ralph W. Adams; and

WHEREAS, a significant number of these degrees have been earned by students who have completed their education at the facilities of Troy State University in Montgomery; and

WHEREAS, another significant number of degrees have been earned by students who have completed their education at the University's facilities at Dothan/Fort Rucker; and

WHEREAS, Troy State University continues to grow in the numbers of students it serves and in the number of services it provides; and

WHEREAS, it is anticipated that Troy State University will award an additional 3,000 degrees during the 1978 academic year, thus continuing its tradition of being the third largest degree granting institution in the state;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees,

the faculty, staff and administration of Troy State University be commended and congratulated for their performance of service to the citizens of the State of Alabama and for their contribution to the furtherance of education; and

BE IT FURTHER RESOLVED, that, since the value of services rendered by Troy State University and its branches continues to have great impact upon the educational processes of Alabama all the University's branches are hereby authorized to award degrees approved by its president; and

BE IT FURTHER RESOLVED THAT the legislature of the State of Alabama, in order to honor and to recognize the accomplishments of the Troy State University System and its President, Dr. Ralph W. Adams, authorize and direct that copies of this resolution be provided President Adams, the individual members of the Troy State University Board of Trustees and members of the Press.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 575, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Moore (O):

H. J. R. 576. COMMENDING THE POSTMASTERS OF THE STATE OF ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 576, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Moore (O) and Smith (C) (with notice and proof):

H. 584. Relating to Shelby County, providing for the election and tenure of the members of the county board of education.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 584, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.



Also:

By Messrs. Jackson (F), Smith (J), and Holley (with notice and proof):

H. 785. To amend Section 1 of Act No. 89, H. 40, of the Regular Session of 1969 (Acts of 1969, p. 373), so as to further regulate the compensation and allowances of members of the board of education of Covington County and provide for the payment thereof.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 785, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Moore (O), Waggoner and Smith (C) (with notice and proof):

H. 786. Relating to Shelby County; providing for the temporary detention, care and handling of mentally ill persons, pending any formal commitment proceedings for the purpose of determining whether such persons should be committed to the Alabama state hospitals.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 786, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Robertson (with notice and proof):

H. 788. Relating to county health officers or administrators in Tuscaloosa County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 788, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Waggoner (with notice and proof):

H. 820. Relating to Shelby County; to authorize the appointment of deputy registrars and the delegation of certain duties of registrars to certain clerks in the office of the probate judge.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 820, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Turnham:

H. 925. To provide for a county salary supplement for the District

Attorney of the 37th Judicial Circuit and to provide for the payment of such supplement out of county general funds.

Also:

By Messrs. Sparks and Crowe (with notice and proof):

H. 1054. Relating to Winston County; authorizing and directing the State Highway Department to maintain all county roads which serve as rural mail or school bus routes.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1054, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Reed and Folmar (with notice and proof):

H. 1061. Relating to Bullock County; to raise the salary of the tax assessor and tax collector.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1061, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mrs. Quarles (with notice and proof):

H. 1087. Relating to St. Clair County; to require the county governing body of said county to provide for a civil service merit system for employees of the sheriff's office in said county.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1087, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mrs. Quarles (with notice and proof):

H. 1088. To permit banks now or hereafter situated in St. Clair County to establish, maintain or operate branch banks and branch offices within the limits of said county for the conduct of a general banking and trust business; and to repeal conflicting laws.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1088, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Clark (with notice and proof):

H. 950. Relating to Tuscaloosa County; to further regulate the hours

and times that alcoholic beverages may be sold, served, or given away in public places.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 950, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Crowe and Naramore (with notice and proof):

H. 1090. Relating to Walker County, to create a license-issuing division within the probate judge's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to abolish the office of county license inspector as of January 1, 1979; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and costs pursuant to such system of renewal of motor vehicle licenses by mail; to create a special fund in the county treasury to receive such additional fees and costs of renewal by mail; and to authorize the establishment of auxiliary stations within the county for the sale of motor vehicle licenses and tags or decals.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1090, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Callahan (with notice and proof):

H. 1064. To amend Section 5 of an act entitled "An Act to regulate the public schools of the County of Mobile", approved February 15, 1876, as last amended; so as to provide further for the filling of vacancies on the said Board of School Commissioners.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1064, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Wyatt (with notice and proof):

H. 1094. Relating to Montgomery County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses; giving this act retroactive effect.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1094, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Wyatt (with notice and proof):

H. 1095. Relating to Montgomery County; to provide additional compensation for the members of the Board of Registrars.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1095, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 584, 785, 786, 788, 820, 925, 1054, 1061, 1087, 1088, 950, 1090, 1064, 1094, and 1095. To the Committee on Local Legislation No. 1.

### RESOLUTION

Mr. Mitchell offered the following Senate Joint Resolution, to-wit:

S. J. R. 437. MEMORIALIZING CONGRESS IN OPPOSITION TO CHANGE IN FREQUENCY OF DEPOSITS OF SOCIAL SECURITY CONTRIBUTIONS.

WHEREAS, the Federal Social Security Administration has unilaterally and arbitrarily proposed a change in regulations to require the State of Alabama to deposit social security contributions of their public employee groups on a more frequent basis than the present quarterly deposits; and

WHEREAS, when the State of Alabama voluntarily entered into an agreement, in 1951, under Section 218 of the Federal Social Security Act, with the Federal Social Security Administration, to furnish coverage for its public employee groups, it did so on the basis of deposits of contributions on a quarterly basis only; and

WHEREAS, the State of Alabama considers this proposed change in regulations to be a harshly unilateral and expensive violation of the spirit of the original agreement, after the fact, and without consideration; now therefore

BE IT RESOLVED, by the Legislature of Alabama, both Houses, thereof, concurring that the Federal Congress pass Senate Bill 1967, or House Bill 11659, to statutorily require the Federal Social Security Administration to observe the contractual agreement to make deposits of employee and employer contributions by public groups in the State of Alabama, on a quarterly basis only.

On motion of Mr. Mitchell, the Rules were suspended and the Resolution was adopted by the Senate.

### BILLS ON THIRD READING RESUMED

The Bill:

H. 304. To make an appropriation from the Alabama Special Educational Trust Fund to the Henry County Board of Education for capital outlay

purposes to be used to restore or replace the Newville Elementary School which was destroyed by fire.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Foshee, Gilmore, Goodwin, Little, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Peden, Perry, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—25

*Nays:*

—0

Mr. Adams moved that the Senate reconsider the vote by which the Bill, H. B. 304, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Bill:

H. 1. To amend further Act No. 249, H. 492, Regular Session of 1967 (Acts of 1967, p. 629; now appearing in Code of Alabama, Recompiled 1958, Title 55, Section 244(9), so as to include the dean of Miles College Law School as a member of the council of the state law institute.

was taken up.

Mr. Pearson offered the following substitute for the Bill, H. B. 1, to-wit:

#### SUBSTITUTE FOR H. B. 1

#### A BILL TO BE ENTITLED AN ACT

To amend Section 29-8-1 of the Code of Alabama 1975, so as to include the dean of Miles College Law School as a member of the council of the Alabama Law Institute.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 29-8-1, Code of Alabama 1975, is hereby amended to read as follows:

"§ 29-8-1.

"(a) The board of commissioners of the Alabama state bar may organize, create and establish a state law institute to be known as the Alabama Law Institute as an official advisory law revision and law reform agency of the State of Alabama.

"(b) The institute shall have such members, officers and committees as the board of commissioners of the Alabama state bar may direct.

"(c) The governing body of the institute shall be a council composed of ex officio members and elected members as follows:

"(1) One justice of the supreme court of Alabama, selected by the justices thereof.

"(2) One judge of the court of civil appeals of Alabama, selected by the judges thereof.

"(3) One judge of the court of criminal appeals of Alabama, selected by the judges thereof.

"(4) One circuit court judge, selected by the association of circuit court judges.

"(5) One federal judge residing in Alabama, selected by the federal judges residing in Alabama.

"(6) The attorney general of the state of Alabama.

"(7) The legal advisor to the governor of Alabama.

"(8) The chairman of the judiciary committees of the senate and house of representatives, or any attorney appointed by either of them who is a member of the judiciary committee.

"(9) The president and secretary of the Alabama state bar.

"(10) The chairman of the junior bar section of the Alabama state bar.

"(11) The dean of the University of Alabama School of Law.

"(12) The dean of the Cumberland School of Law of Samford University.

"(13) The dean of each privately operated law school in the state of Alabama whose graduates are admitted as candidates for examination and admission to the Alabama state bar.

"(14) The dean of the Miles College Law School.

"(14) (15) The president and secretary of the Alabama Law Institute.

"(15) (16) The attorney members of the legislative council of Alabama, together with the secretary of the legislative council.

"(16) (17) Not less than three nor more than six attorney members appointed by the governor of Alabama for terms to run concurrently with the term of the governor.

"(17) (18) The director of the continuing legal education program sponsored by the Alabama state bar, the University of Alabama Law School and the Cumberland School of Law of Samford University.

"(18) (19) All elected members of the American Law Institute who reside in Alabama.

"(d) The elected membership shall consist of two members who shall be elected from the members of the faculty of the University of Alabama School of Law, two members who shall be elected from the members of the faculty of the Cumberland Law School of Samford University and six practicing attorneys from each congressional district in the state.

"(e) The term of office of the members of the judiciary who are ex officio members of the council shall be four years. The other ex officio members shall hold their positions during their respective terms of office. The terms of office of the elected members of the council shall be four years. The terms of office of the first elected members shall be fixed and determined by the board of commissioners of the Alabama state bar and their successors shall be elected

for terms of four years under such rules as the board of commissioners may adopt. Elected members of the council shall be eligible for reelection.

"(f) Vacancies in the elected membership created by death, resignation or otherwise than by the expiration of the terms of office shall be filled by the council under such rules as it may adopt. Vacancies occurring through the expiration of terms of office shall be filled by election by the council under such rules as it may adopt."

Section 2. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Foshee, Gilmore, Higginbotham, Little, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Peden, Perry, Proctor, St. John, Stewart, Teague, Vacca, Waldrop.

—24

*Nays:*

—0

And said Bill, H. B. 1, as thus amended by the substitute, was read a third time at length and passed.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, King, McMillan, Mims, Mitchell, Noonan, Pearson, Peden, Perloff, Perry, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—26

*Nays:*

—0

### BILL RECONSIDERED

On motion of Mr. Clemon, the Senate reconsidered the vote by which the Bill, S. B. 787, as amended, was passed.

On motion of Mr. Clemon, further consideration of the Bill, S. B. 787, as amended, was postponed until the Twenty-ninth Legislative Day.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 344. To amend the title and Section 7 of Act No. 584, H. 449 of the 1965 Regular Session (1965 Acts, p. 1080), so as to provide that it shall be unlawful for any person to use any facility operated and maintained by Bear Creek Development Authority without first obtaining a user permit authorizing such person or persons to use said facility; and to prescribe penalties for violations.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Foshee, Gilmore, King, Little, McMillan, Mims, Noonan, Owen, Pearson, Peden, Perloff, Perry, Proctor, Shelby, Vacca.

—21

*Nays:*

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1038. Relating to Clay County; to provide for the night hunting and taking of raccoons and opossums with the use of a light and/or shotgun using shot no larger than number eight, or with a 22-caliber rimfire rifle using 22-caliber-short ammunition.

Also:

H. 621. Relating to Calhoun County; to provide that certain homebaked or homemade goods shall not be subject to the regulations of any state or county health department.

Also:

H. 589. Relating to Jackson County, Alabama and providing for semi-annual publication by the Jackson County Commission of a report showing the receipts and expenditures for said County, together with the indebtedness thereof; providing for the payment of the cost of such publications; repealing conflicting laws; and providing penalties for violating the provisions of said Act.

Also:

H. 702. To authorize the governing body of Madison County, Alabama, to establish fire districts or a fire department for Madison County; to authorize the adoption of a fire code for Madison County; to authorize the levy of a fire tax and to otherwise authorize fire protection measures within Madison County; and to provide that this Act shall become effective upon the ratification of an amendment to the Constitution of Alabama which authorizes the provisions of this Act.

Also:

H. 706. Pertaining to Madison County; to provide for the temporary release, at the court's discretion, of certain prisoners in county or city jails for the purpose of working at gainful employment or for other rehabilitative purposes; to provide that any person so released who fails to report for confinement as ordered shall be subject to punishment provided for escape; to provide for the payment by persons so released to the county of a portion of



their net earnings and for the utilization of the funds derived therefrom; to provide for the Madison County Work Release and Pre-Trial Release Fund; to set standards for judicial officers in said county for the pre-trial release of those persons accused of crimes; to establish penalties for failure to appear or for violation of release conditions; to provide for the forfeiture of security deposited to insure the attendance of the defendant; to prohibit certain activities by persons engaged in the business of undertaking to act as surety on bail bonds in Madison County and to provide that certain acts by such persons shall constitute the crime of bribery; to prohibit any sheriff, deputy sheriff, policeman, peace officer, warrant magistrate, or persons otherwise having the authority to arrest or hold another person in custody from committing certain acts with respect to bail bond companies and providing that the same shall constitute the crime of bribery; to create a body to be known as the Madison County Work Release and Pre-Trial Release Commission; to provide for the membership of said Commission and for its power and duties; to provide for the transfer of certain funds now held for the account of certain pre-trial release and work release programs in Madison County; and to repeal conflicting laws.

Also:

H. 704. Pertaining to Madison County; to repeal Act Number 608, H. 1685, Regular Session 1973 (Acts p. 867) as amended by Act Number 435, H. 901, Regular Session 1975 (Acts p. 1045).

Also:

H. 707. Pertaining to Madison County; to repeal Act Number 895, H. 159, Regular Session 1975 (Acts p. 1753).

Also:

H. 778. To provide that the Madison County Commission may make appropriations to a legislative office to assist the Madison County Delegation to the Legislature of the State and provisions of the act shall be effective retroactively.

Also:

H. 779. To provide that the Huntsville City Council may make appropriations to a legislative office to assist the Madison County Delegation to the Legislature of the State and provisions of the act shall be effective retroactively.

Also:

H. 904. To provide for a law enforcement officers' bill of rights for Madison County and all its municipal law enforcement agencies, and Firefighters of the City of Huntsville; defining certain rights of any officer or firefighter accused of misconduct; providing for adequate prior notice to officer or firefighter accused of misconduct when dismissal or demotion are involved; providing that any law enforcement officer or firefighter may bring civil suit for damages suffered while on official duty; providing that no officer or firefighter may have disciplinary action taken against him by reason of exercising the rights granted hereby; providing for the receipt and processing of all written complaints; and providing sanctions by the district attorney or state attorney by writ of injunction for non-compliance with the provisions of this Act; and repealing conflicting laws.

Also:

H. 885. To regulate further the compensation and the expense allowance of the County Superintendent of Education of Fayette County; and giving retroactive effect to such expense allowance.

Also:

H. 737. To repeal Act No. 1493, S. 1090, 1971 Regular Session (Acts of 1971, p. 2571), relating to the practice of barbering in counties having populations of not less than 175,000 nor more than 300,000; providing for the regulation of such practice through county boards of barber examiners; and providing for the organization and administration of said boards.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 886. To regulate further the expense allowance of the members of the Fayette County Commission and giving retroactive effect to such expense allowance.

Also:

H. 887. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fayette, in Fayette County, Alabama.

Also:

H. 1017. To Provide for the City of Muscle Shoals, Alabama, a civil service system governing the appointment, removal, salaries, promotions, tenure, training and official conduct of employees of the police department, fire department and city clerk's office of the city; defining violations of the Act, and imposing penalties for violations thereof.

Also:

H. 1018. Relating to Franklin County, Alabama; authorizing the state highway department to use county funds to maintain and repair mail route roads, school bus routes and cemetery roads; maintain area to and around Franklin County sanitation containers; to determine and establish authority concerning certain other roads.

Also:

H. 494. Relating to Lauderdale County; to further implement Section 9 of Act Number 160, 1971, and provide the Lauderdale County Commission the authority to employ appraisers, mappers, and clerical personnel to main-

tain current evaluation of all real property and valuation of personal property.

Also:

H. 1019. Relating to Franklin County, Alabama; relating to certain authority and duties of the County District Engineer.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 644. To create an additional judgeship for the Tenth Judicial Circuit of Alabama; to provide for the election of an incumbent thereof; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such incumbent, and to render such incumbent liable to all the pains and penalties of other Circuit Judges in the State; to further provide for a division of authority and duties between judgeships in said Circuit; to increase the number of Circuit Judges in the Tenth Judicial Circuit of Alabama to 20; to repeal all laws or parts of laws in conflict herewith; and to provide the effective date of this Act.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 644, to-wit:

### COMMITTEE SUBSTITUTE FOR S. B. 644

#### A BILL TO BE ENTITLED AN ACT

To create an addition judgeship for the Tenth Judicial Circuit of Alabama; to provide for the election of an incumbent thereof; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such incumbent, and to render such incumbent liable to all the pains and penalties of other Circuit Judges in the State; to further provide for a division of authority and duties between judgeships in said Circuit; to increase the number of Circuit Judges in the Tenth Judicial Circuit of Alabama to 20; to repeal all laws or parts of laws in conflict herewith; to amend Section 12-17-20 of the 1975 Code of Alabama; and to provide the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the office of Judgeship No. 20 of the Tenth Judicial Circuit of Alabama, which shall be in addition to the judgeships of said Circuit now existing. The first judge of said additional judgeship shall be appointed in the manner provided by Amendments 83 and 110 to the

Constitution of Alabama and shall hold office until his successor has been elected and qualified as provided by law. Thereafter, a judge for said additional judgeship shall be elected at the regular general election of circuit court judges in 1982, and each six years thereafter, the judge of said Judgeship No. 20 shall be elected for the same term of office as other circuit judges are elected in the State.

Section 2. The incumbent of said Judgeship No. 20 shall have and exercise all of the jurisdiction, powers, rights, and authority and possess all the qualifications, perform all the duties, and be subject to the pains, obligations, and penalties that other circuit judges may exercise, perform, or be subject to, and shall sit in that Division of said circuit in which the judges number 1 through 4, 6 through 11, and 13 through 18, sit as of course and perform the same duties in said Division as performed by said judges numbered 1 through 4, 6 through 11, and 13 through 18. Subject to the rights, powers, and authority of the presiding judge of the Tenth Judicial Circuit, the judge sitting in said Division having the longer tenure of office shall be the senior judge and is vested with the authority and duty to apportion, allocate, and assign the work of said Circuit Court in said Division as between the judges thereof equitably.

Section 3. The additional judge provided for in this Act shall receive the same salary, payable in the same manner, as other Circuit Court Judges in the Tenth Judicial Circuit.

Section 4. Section 12-17-20 of the 1975 Code of Alabama is amended to read as follows:

"§ 12-17-20. (a) Except as otherwise provided in this section, each judicial circuit of the state shall have one resident circuit judge.

"(b) In the following judicial circuits, there shall be the number of resident circuit judges listed below:

"(1) There shall be two circuit judges in the first judicial circuit. The judge occupying judgeship No. 1 shall be the presiding judge.

"(2) There shall be two circuit judges in the fourth judicial circuit. One of said judges shall be known as the presiding judge and the other as the associate judge.

"(3) There shall be four circuit judges in the fifth judicial circuit. No two judges shall reside in the same county in said circuit.

"(4) There shall be five circuit judges in the sixth judicial circuit.

"(5) There shall be three circuit judges in the seventh judicial circuit.

"(6) There shall be three circuit judges in the eighth judicial circuit.

"(7) There shall be two circuit judges in the ninth judicial circuit.

"(8) There shall be 19 20 circuit judges in the tenth judicial circuit. The judges numbered 5, 12 and 19 shall sit in the Bessemer division of said circuit. The other judges shall sit in the Birmingham division of said circuit.

"(9) There shall be two circuit judges in the eleventh judicial circuit.

"(10) There shall be two circuit judges in the twelfth judicial circuit.

"(11) There shall be eight circuit judges in the thirteenth judicial circuit.

"(12) There shall be three circuit judges in the fourteenth judicial circuit.

"(13) There shall be six circuit judges in the fifteenth judicial circuit. At least two judges shall be assigned to the criminal division of said circuit, and one or more judges shall be assigned to the civil division, in the discretion of the presiding judge.

"(14) There shall be four circuit judges in the sixteenth judicial circuit.

"(15) There shall be two circuit judges in the eighteenth judicial circuit.

"(16) There shall be two circuit judges in the nineteenth judicial circuit.

"(17) There shall be three circuit judges in the twentieth judicial circuit.

"(18) There shall be two circuit judges in the twenty-second judicial circuit.

"(19) There shall be six circuit judges in the twenty-third judicial circuit.

"(20) There shall be two circuit judges in the twenty-fifth judicial circuit.

"(21) There shall be two circuit judges in the twenty-sixth judicial circuit.

"(22) There shall be two circuit judges in the twenty-seventh judicial circuit.

"(23) There shall be two circuit judges in the twenty-eighth judicial circuit.

"(24) There shall be two circuit judges in the twenty-ninth judicial circuit.

"(25) There shall be two circuit judges in the thirtieth judicial circuit.

"(26) There shall be two circuit judges in the thirty-first judicial circuit.

"(27) There shall be two circuit judges in the thirty-second judicial circuit.

"(28) There shall be two circuit judges in the thirty-seventh judicial circuit.

"(29) There shall be two circuit judges in the thirty-eighth judicial circuit."

Section 5. All laws, and parts of laws, whether general, special or local, in conflict with the provisions of this Act, are hereby repealed.

Section 6. Should any word, phrase, clause, section or part of this Act be held to be unconstitutional, it shall not affect the remainder of this Act.

Section 7. This Act shall take effect immediately upon its passage and approval by the Governor.

Which was adopted.

Yeas 21; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Pearson, Peden, Perry, St. John, Shelby, Teague, Vacca.

—21

*Nays:*

—0

And said Bill, S. B. 644, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Proctor, St. John, Shelby, Stewart, Waldrop.

—23

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 53. COMMENDING THE ALABAMA HIGHWAY DEPARTMENT FOR TOP NATIONAL HONORS RECEIVED.

Also:

H. J. R. 77. HONORING JAMES F. VICKREY, JR., PRESIDENT, UNIVERSITY OF MONTEVALLO.

Also:

H. J. R. 89. CONGRATULATING WARRANT OFFICER CARROLL MISSILDINE.

Also:

H. J. R. 96. HONORING HARRY WALKER WHO IS TO BE INDUCTED INTO THE ALABAMA SPORTS HALL OF FAME.

Also:

H. J. R. 97. COMMENDING JAMES L. RAY, JR., AWARD WINNING COUNTY ENGINEER.

Also:

H. J. R. 402. COMMENDING TERRY BINION, SELECTED FOR MEMBERSHIP IN THE NATIONAL HIGH SCHOOL HONORS BAND.

Also:

H. J. R. 417. CONGRATULATING THE KIWANIS CLUB OF CLANTON, ALABAMA.

Also:

H. J. R. 428. CONGRATULATING FFA AT FIFTY.

Also:

H. J. R. 481. COMMENDING SUSAN CUNNINGHAM FOR OUTSTANDING ATHLETIC ACHIEVEMENT.

Also:

H. J. R. 482. COMMENDING AND CONGRATULATING THE WINFIELD CITY HIGH SCHOOL'S GIRLS BASKETBALL TEAM, 1978 2A CHAMPIONS.

Also:

H. J. R. 534. COMMENDING MISS DEBORAH ANN KELLEY, MISS ALABAMA NATIONAL TEENAGER.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 488. Relative to Adjournment.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 713. Relating to Calhoun County; to provide for the salaries of certain officials of the county to become effective upon the expiration of the present terms of office of the incumbent office-holders, and to provide an expense allowance for the probate judge's office, tax assessor's office and tax collector's office, which will terminate upon the expiration of the present term of office of the probate judge, tax assessor and tax collector.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Stewart, the Senate non-concurred in the following House amendment to the Bill, S. B. 713, the title of which is set out in the foregoing Message from the House, to-wit:

### SUBSTITUTE FOR S. B. 713

#### A BILL TO BE ENTITLED AN ACT

Relating to Calhoun County; to provide for the salaries of certain officials of the county to become effective upon the expiration of the present terms of office of the incumbent officeholders, and to provide an additional expense allowance for said officials which will terminate upon the expiration of their present term of office; and to provide further for the salaries of the License Commissioner and Coroner which shall be effective immediately.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon the expiration of the present terms of office held by the incumbent officeholders of Calhoun County named hereinbelow, such county officials shall receive the following annual salaries, payable in equal monthly installments from the general fund of the county:

|  |          |
|--|----------|
| Sheriff                                | \$22,500 |
| Chairman of County Commission          | 22,500   |
| Tax Assessor                           | 22,500   |
| Tax Collector                          | 22,500   |
| Probate Judge                          | 22,500   |
| Associate Members of County Commission | 14,250   |

The salaries herein provided, when they become effective, shall be the total compensation payable to said officials, in lieu of any salary, expense allowance, or other compensation provided by law.

Section 2. Effective October 1, 1978 the following officers of Calhoun County shall receive in addition to any other compensation, fees and expense allowances provided by law, an annual expense allowance as follows:



|  |         |
|--|---------|
| Sheriff                                | \$4,350 |
| Chairman of County Commission          | 4,250   |
| Tax Assessor                           | 4,250   |
| Tax Collector                          | 4,250   |
| Probate Judge                          | 4,250   |
| Associate Members of County Commission | 6,450   |

The expense allowances herein provided shall be payable in equal monthly installments from the county treasury and shall automatically terminate upon the expiration of the current term of office of the incumbent county officers provided for in this section.

Section 3. Effective immediately, the salaries of the License Commissioner and the Coroner of Calhoun County shall be as follows:

|                      |          |
|----------------------|----------|
| License Commissioner | \$20,500 |
| Coroner              | 11,000   |

The salaries herein provided, when they become effective, shall be the total compensation payable to said officials, in lieu of any salary, expense allowance, or other compensation provided by law.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### COMMITTEE AMENDMENT TO S. B. 713

Amend S. B. 713 by adding after Section 2 on page 2 the following new sections and renumbering the remaining sections.

Section 3. If a separate Act shall be passed and approved which shall make the office of Associate Commissioner a fulltime position, the salary payable shall be the same as the Chairman of the County Commission.

Section 4. If a separate Act shall be passed and approved that shall make the office of the License Commissioner an elected position, the salary payable shall be the same as the Chairman of the County Commission.

and requested a Committee on Conference.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Edwards, Fine, Gilmore, Goodwin, Higginbotham, King, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Stewart, Teague, Waldrop, Wilson.

—25

*Nays:*

—0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Stewart, Teague, and Proctor.

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 343. To provide that the use of a firearm in the commission or attempted commission of any felony shall be punishable by certain mandatory penalties which shall be in addition to any sentence imposed for the felony committed.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

*Yeas:*

Messrs. Baker, Edwards, Fine, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Peden, Perloff, Proctor, St. John, Shelby, Teague, Vacca, Waldrop.

—21

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Edwards (with notice and proof):

H. 1111. Relating to Wilcox County; to amend Section 1 of Act No. 83, S. 167, 1971 Regular Session (Acts of 1971, p. 345) relating to fees for pistol permits and their disposition, so as to further regulate the amount and disposition of such fees.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1111, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Crawford and Sasser (with notice and proof):

H. 1112. To provide for compensation and expense allowance for the Coroner of Henry County, Alabama.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1112, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Towns and Jolly (with notice and proof):

H. 1128. Providing for the establishment of a merit system for the county and municipal employees in Blount County, Alabama; and a merit system board governing the removal and official conduct of such county and municipal employees; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1128, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Manley and Clark (with notice and proof):

H. 1126. Relating to Hale County; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1126, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Waggoner (with notice and proof):

H. 1135. Relating to Shelby County; authorizing any bank situated within the County to open, establish, operate and maintain branch banks, branch offices or other places of business within the limits of said county.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1135, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Hines (with notice and proof):

H. 1141. To create an Industrial Development Authority for Escambia County for the purpose of promoting industry and trade and the development of said county; to provide for the organization, powers, functions, duties and personnel of such Authority and to provide for the payment of the expenses of such Authority and to provide for the payment of the expenses of such Authority and for the compensation of its employees.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1141, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Hines (with notice and proof):

H. 1143. Relating to Escambia County; to allow students of cosmetol-

ogy or barbering in such county who have completed 250 hours of study in a registered school of cosmetology or barbering to work in a duly registered beauty shop or barber shop during non-school hours.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1143, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Hines (with notice and proof):

H. 1142. Relating to Escambia County; to provide that the county commission of Escambia County may allocate and distribute among the several presently incorporated municipalities of Escambia County on a pro rata basis 33 1/3 percent of an oil and gas privilege tax monies which may be received by Escambia County under the authority of any general or local law enacted by the legislature of Alabama after January 1, 1978.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1142, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Hines (with notice and proof):

H. 1144. Relating to Escambia County; providing for the payment or reimbursement by said county to the members, including the chairman of the county commission, of their actual expenses incurred in the performance of their duties outside the county, including expenses incurred by them in attending conventions of the National Association of County Commissioners and the Alabama Association of County Commissioners.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1144, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Carothers and Crawford (with notice and proof):

H. 1114. To provide further for the regulation of the sale of alcoholic beverages in Houston County, Alabama; to authorize the City of Dothan in said county to further license, regulate and control the sale of certain alcoholic beverages within the corporate limits and the police jurisdiction thereof with a city license parallel to the state license for such privilege.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1114, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Drake and Sparks (with notice and proof):

H. 1115. Relating to Cullman County; to provide for the distribution

and expenditure of any payments coming into the treasury of Cullman County that are derived, directly or indirectly, from payments by the Tennessee Valley Authority in lieu of the payment of ad valorem taxes.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1115, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Drake and Sparks (with notice and proof):

H. 1116. Relating to Cullman County; to provide additional expense allowances to certain officers.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1116, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1111, 1112, 1128, 1126, 1135, 1141, 1143, 1142, 1144, 1114, 1115, and 1116. To the Committee on Local Legislation No. 1.

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 760. To propose an amendment to the Constitution of Alabama to provide a single retirement system for all public officers and employees.  
was taken up.

Mr. St. John offered the following amendment to the Bill, S. B. 760, to-wit:

#### AMENDMENT TO S. B. 760

Amend Senate Bill No. 760 Page 3 Line 9, by striking out after the word "government" the remainder of the sentence.

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs. Adams, Baker, Edwards, Foshee, Higginbotham, King, Little,

McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Peden, Perloff, Proctor, St. John, Shelby, Teague, Waldrop.

—20

*Nays:*

—0

Mr. Baker offered the following substitute for the Bill, S. B. 760, as amended, to-wit:

#### SUBSTITUTE FOR S. B. 760

#### A BILL TO BE ENTITLED AN ACT

To propose an amendment to the Constitution of Alabama to provide a single retirement system for all public officers and employees.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

#### PROPOSED AMENDMENT

There is established a single retirement system for all public officers and employees to be known as the public officers' and employees' retirement system. Such retirement system shall be the only retirement system for all future employees, teachers, elected or appointed officers, judges, or any other employees or officers of any type of the state. The Legislature may also provide for officers and employees of cities or counties to participate in said retirement system.

The public officers' and employees' retirement system shall be based on and operate under the existing provisions of the state employees' retirement system and teachers' retirement system and shall apply in the same manner and under the same conditions to all public officers and employees appointed, elected or employed after the ratification of this Constitutional Amendment. The public officers' and employees' retirement system shall cover all public officers and employees employed, elected or appointed after the adoption of this amendment except that a county or municipality may elect to join the system in the same manner as under current law. The legislature may provide for the orderly transfer of all presently existing public retirement systems and funds to the public officers' and employees' retirement system provided herein provided, however, that current retirees, officers or employees shall suffer no loss of benefits now provided for them under existing laws. The public officers' and employees' retirement system provided for herein shall be governed by a board of control which shall be composed of the present boards of the existing state employees' and the teachers' retirement systems unless the legislature should make other provisions for a governing board.

No increase in benefits, lessening of requirements of age of qualification or reduction in employee contribution under the public officers' and employees' retirement system shall be made except after enactment by the legislature and approval at a referendum election held for such purpose. No public officer or employee employed, elected or appointed after the adoption of this amendment shall be entitled to any other retirement or pension benefit

except as provided under the public officers' and employees' retirement system, and any form of benefit for supernumerary, consultant or advisory services not based on actual services rendered is expressly prohibited as to such officers and employees. No beneficiary under the public officers' and employees' retirement system shall be entitled to draw any benefit under the system while such person is receiving any earned income from the state or federal government.

The legislature shall appropriate annually such funds as are necessary to keep the retirement system fund actuarially sound. No money in the retirement fund shall be borrowed, appropriated, or diverted for the current operations of any state agency or program nor shall any annual appropriation to said fund be delayed or deferred in any manner.

Section 2. An election upon the proposed amendment is ordered to be held on the third Tuesday in September, 1978. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Which was adopted.

Yeas 21; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Edwards, Ellis, Foshee, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Pearson, Peden, Perloff, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—21

*Nays:*

—0

And said Bill, S. B. 760, as thus amended by the substitute, was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Goodwin, Higginbotham, King, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Proctor, St. John, Shelby, Stewart, Vacca, Waldrop.

—24

*Nay:* Mr. Powell

—1

The Bill:

S. 189. To regulate the practice of counselors in Alabama; to create a Board of Examiners in Counseling; to prescribe the duties and powers of said Board; to provide for the examination and licensure of counselors and the examination and certification of counselor associates; to fix penalties for the violation of this Act; to impose licensure and certification fees and to provide for the use of funds received.

was taken up.

Mr. McDonald (A) offered the following substitute for the Bill, S. B. 189, to-wit:

SUBSTITUTE FOR S. B. 189

A BILL  
TO BE ENTITLED  
AN ACT

To regulate the private practice of counselors in Alabama; to create a Board of Examiners in Counseling; to prescribe the duties and powers of said Board; to provide for the licensure of counselors and the certification of counselor associates; to fix penalties for the violation of this Act; to impose licensure and certification fees and to provide for the use of funds received.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created a Board to be known as the Alabama Board of Examiners in Counseling composed of seven (7) members, appointed by the Governor of this State within sixty (60) days after the effective date of this act, in the manner and for the term of office as hereinafter provided. Said Board shall perform such duties and have such powers as the Act prescribes and confers upon it.

Section 2. As used in this Act, unless the context requires a different meaning:

(a) "Licensed Professional Counselor: shall mean any person who holds himself out to the public by any title or description of services incorporating the words "Licensed Professional Counselor" or "Licensed Counselor"; and who offers to render professional counseling services in private practice to individuals, groups, organizations, corporations, institutions, government agencies, or the general public for a fee, monetary or otherwise, implying that he is licensed and trained, experienced, or expert in counseling, and who holds a current, valid license to engage in the private practice of counseling, with the exception of those practitioners listed in Section 3 of this Act.

(b) "Counselor Associate" shall mean any person that has been certified by the Board to offer counseling services as defined in the Act while under the supervision of a licensed professional counselor.

(c) "Board" shall mean the Alabama Board of Examiners in Counseling.

(d) "Counseling Services" shall mean those acts and behaviors coming within the "Practice of Counseling" as defined in this Act.

(e) The "Private Practice of Counseling" shall mean rendering or offering to render to individuals, groups, organizations, or the general public counseling services, in private practice, for a fee, monetary or otherwise,



involving the application of principles, methods, or procedures of the counseling profession which include, but are not restricted to:

1. "Counseling" which means assisting an individual, through the counseling relationship, to develop understanding of personal problems, to define goals, and to plan action reflecting his or her interests, abilities, aptitudes, and needs as these are related to personal-social concerns, education progress, and occupations and careers.

2. "Appraisal activities" which means selecting, administering, scoring, and interpreting instruments designed to assess an individual's aptitudes, attitudes, abilities, achievements, interests, and personal characteristics, but shall not include the use of projective techniques in the assessment of personality.

3. "Counseling, guidance and personnel consulting" which means interpreting or reporting upon scientific fact or theory in counseling, guidance, and personnel services to provide assistance in solving some current or potential problems of individuals, groups, or organizations.

4. "Referral activities" which means the evaluating of data to identify problems and to determine advisability of referral to other specialists.

5. "Research activities" which means the designing, conducting, and interpreting of research with human subjects.

Section 3. Nothing in this Act shall be construed to apply to:

(a) The activities, services, and use of an official title on the part of a person employed as a counselor or by any federal, state, county, or municipal agency; public or private educational institution; medical personnel in a clinic; law practice; or licensed private employment agencies, provided such persons are performing counseling or counseling related activities within the scope of their employment.

(b) The activities and services of a student, intern, or trainee in counseling pursuing a course of study in counseling in a regionally accredited institution of higher learning or training institution, if these activities and services constitute a part of the supervised course of study, provided that such person be designated a "counselor intern."

(c) The activities and services of a nonresident person rendered not more than thirty (30) days during any year, provided such person is duly authorized to perform such activities and services under the laws of the state or county of his residence.

(d) The activities and services of qualified members of other professions, such as physicians, psychologists, psychoanalysts, registered nurses, social workers, or recognized religious practitioners performing counseling consistent with the laws of the state, their training, and any code of ethics of their professions, provided they do not represent themselves by any title or description in the manner prescribed in Section 2 of this Act.

(e) The activities, services, titles and descriptions of qualified members of the law profession.

(f) The activities, services, titles and descriptions of persons employed, as professionals or as volunteers, in the practice of counseling for public and private non-profit organizations or charities.

Nothing in this Act shall be construed as permitting counselors licensed

under this act to administer or prescribe drugs, or in any manner engage in the practice of medicine as defined by the laws of this State.

Nothing in this Act shall be construed as permitting a counselor licensed under this Act to represent himself in any manner to the public as an attorney as defined by the laws of this State.

Nothing in this Act shall be construed as permitting a counselor licensed under this Act to represent himself in any manner to the public as a psychologist as defined by the laws of this State.

Lecturers from any school, college, agency or training institution may utilize an academic or research title when invited to present lectures to institutions or organizations.

Section 4. There is hereby created an Alabama Board of Examiners in Counseling hereinafter referred to as the Board to consist of seven (7) members who shall be appointed by the Governor under the conditions hereinafter set forth.

Within thirty (30) days from the effective date of this Act, the Executive Committee of the Alabama Personnel and Guidance Association shall submit to the Governor a list of qualified candidates for the Board; said list shall contain names of at least four (4) citizens from the general public; four (4) qualified counselor educators; and six (6) qualified practicing counselors from which the Governor, within sixty (60) days, will select the Board consisting of two (2) citizens from the general public; two (2) counselor educators; and three (3) counselors in private practice.

The initial appointments to the Board shall be for the following terms: The term of two (2) members is one (1) year, the term of two (2) members is two (2) years, the term of three (3) members is three (3) years.

The professional membership of the Board authorized under this section shall be licensed under this Act, except that the initial professional members shall be persons who have been rendering the private practice of counseling services for at least (1) year, or who have been giving instruction in counseling in a regionally accredited institution of higher learning for at least three (3) years.

Said Board shall perform such duties and exercise such powers as this Act prescribes and confers upon it. No member of the Board shall be liable to civil action for any act performed in good faith for the performance of his duty as set forth in this act.

Board members shall be ineligible for reappointments for a period of three (3) years following completion of their terms. Subsequent appointments to the Board shall be made by the Governor in the following manner: Not later than October 1 of each year the Executive Committee of the Alabama Personnel and Guidance Association shall submit to the Governor the names of two (2) qualified candidates for the position on the Board to be vacated by reason of expiration of term of office. From the two (2) candidates the Governor shall appoint one (1) member not later than January 1 to serve on the Board for a term of five (5) years. Other vacancies occurring in the Board shall be filled for the unexpired term by appointment of the Governor from two (2) candidates for each such vacancy submitted within thirty (30) days after the vacancy occurs by the Executive Committee of the Alabama Personnel and Guidance Association. Such appointments shall be made within thirty (30) days after the vacancy occurs by the

Executive Committee of the Alabama Personnel and Guidance Association. Such appointments shall be made within thirty (30) days after the candidates' names have been submitted. Any Board members may be removed by the Governor, after notice and hearing, for incompetence, neglect of duty, malfeasance in office, or moral turpitude. Composition of the Board shall always consist of two (2) citizens, two (2) counselor educators, and three (3) counselors in private practice. Appointments to the Board shall represent the differences in gender, racial, and ethnic origins and the different levels of graduate and professional degrees and specialty represented in the Alabama Personnel and Guidance Association, though not all such differences necessarily will be reflected at the same time in Board membership. A college or university shall have only one representative, faculty or staff, as a member of the Board at any one time.

Immediately and before entering public duties of said office, the members of the Board shall take the Constitutional oath of office and shall file same in the office of the Governor, who upon receiving said oath of office shall issue to each member a certificate of appointment. The Board shall have available for the Governor or his representative detailed reports on proceedings and shall make annual reports in such form as required by the Governor.

Section 5. The Board shall elect annually a Chairman and a Vice Chairman. Each member shall receive all necessary expenses incident to holding meetings plus an honorarium approved by the Governor provided, however, that such expenses shall in no case exceed funds available to the Board. The Board shall hold at least one (1) regular meeting each year. Additional meetings may be held at the discretion of the Chairman or at the written request of any three (3) members of the Board. Said Board shall adopt a seal which must be affixed to all licenses and certificates issued by the Board. The Board shall from time to time adopt such rules, and regulations, as they may deem necessary for the performance of their duties. Four (4) members of the Board shall be empowered to accept grants from foundations and institutions to carry on its functions.

Section 6. All fees from applicants seeking licensing or certification for private practice under this Act, and all license, certificate, or renewal fees received under this Act shall be paid to said Board. No part of any fee shall be returnable under any conditions other than failure of the Board to hold examinations at the time originally announced, whereupon the entire fee may be returned at the option of the candidate. All fees collected in this manner plus renewal fees and all gifts or grants shall be deposited in the State Treasury to the credit of the Board. There is hereby appropriated from the Treasury funds to the credit of said Board to be used for printing, travel expenses of the Board, and for other necessary expenses such as are necessary to the carrying out of the provisions of this Act. Expenses shall be paid under the written direction of the Chairman of the Board in accordance with normal State procedure.

The Board is required to charge an application fee to be determined by the Board.

Every licensed professional counselor or certified counselor associate engaging in private practice in this state is required to pay biennially to the Board during the month of July a renewal fee to be determined by the Board. The Chairman thereupon shall issue a document renewing his license or certificate for a term of two (2) years. The license or certificate of any

counselor who fails to have his license or certificate renewed biennially during the month of July shall lapse; the failure to renew said license or certificate, however, shall not deprive said counselor or counselor associate of the right of renewal thereafter. Such lapsed license or certificate may be renewed within a period of two (2) years after such upon payment of fees in arrears, or thereafter, upon payment of a renewal fee to be determined by the Board.

Section 7. The Board shall issue a license as a licensed professional counselor to each applicant who files an application upon a form and in such a manner as the Board prescribes, accompanied by such fee as is required in this Act, and who furnishes satisfactory evidence of the following to the Board:

- (a) the applicant is at least nineteen (19) years of age;
- (b) the applicant is a citizen of the United States or has declared his intention to become a citizen. A statement by the applicant under oath that he is a citizen or that he intends to apply for citizenship when he becomes eligible to make such application, is sufficient proof of compliance with this requirement;
- (c) the applicant is of good moral character;
- (d) the applicant resides in the State of Alabama;
- (e) the applicant is not in violation of any of the provisions of this Act and the rules and regulations adopted hereunder;
- (f) the applicant has received a master's degree from a regionally accredited institution of higher learning which is primarily professional counseling in content based on not less than thirty (30) graduate semester hours and which meets the academic and training content standards established by the Board, or the substantial equivalent in both subject matter and extent of training. The Board shall use the Standards for the preparation of counselors as approved by the Association of Counselor Education and Supervision as a guide in establishing the standards for counselor licensure.
- (g) the applicant has four (4) years of supervised full-time experience in professional counseling acceptable to the Board, one (1) year of which may be obtained prior to the granting of the master's degree. An applicant may subtract one (1) year of the required professional experience for every fifteen (15) graduate semester hours obtained beyond the master's degree, provided that such hours are clearly related to the field of professional counseling and are acceptable to the Board. However, in no case may the applicant have less than one (1) year of the required professional experience;
- (h) the applicant demonstrates minimum standards in professional competence in specialty areas as established by nationally recognized certification agencies. Upon receipt of the applicant's credentials from national certification agencies, the Board shall consider such credentials as adequate evidence of professional competence and shall recommend to the Chairman of the Board that a license be approved.

Section 8. The Board shall issue a certificate as a counselor associate to each applicant who files an application upon a form and in such manner as the Board prescribes accompanied by such fees as are required by this Act, and who furnishes satisfactory evidence of the following to the Board:

- (a) the applicant has complied with provisions outlined in Section 7 (a), (b), (c), (d), and (e) of this Act;

(b) the applicant has received a master's degree from a regionally accredited institution of higher learning based on a program of studies which is primarily professional counseling in content and which meets the academic and training content standards established by the Board, or the substantial equivalent in both subject matter and extent of training. The counselor associate may not practice without direct supervision by a licensed professional counselor. The plan for supervision of the counselor associate is to be approved by the Board prior to any actual performance of counseling on the part of the counselor associate;

(c) any certified counselor associate after meeting the requirements specified in Section 7(g) and 7(h) may petition the Board for licensure as a professional counselor.

Section 9. Counselors licensed as a professional counselor or certified as a counselor associate by the Board shall be required to submit biennially at the time of renewal a license or certificate renewal fee to be established by the Board. No license or certificate shall be renewed unless the renewal request is accompanied by evidence satisfactory to the Board of the completion during the previous twenty-four (24) months of relevant professional and continued educational experience. The relevant experience required shall be sent in writing to all licensed and certified counselors one (1) year prior to the renewal dates.

If any professional counselor or counselor associate duly licensed or certified under this Act, by virtue of additional training and experience, is qualified to practice in a specialty other than that for which he was deemed competent at the time of initial licensing, or certification, and wishes to offer such service under the provisions of this Act, he is required to submit at the time of annual renewal of licenses or certificates, additional credentials and he is to be given the opportunity to demonstrate his knowledge and application thereof in areas deemed relevant to his specialty. This procedure is considered a necessary part of the renewal process. No charge in addition to the renewal fee is levied.

Section 10. Upon application accompanied by fee the Board is authorized to issue a license or certificate to any person who furnishes upon a form and in such manner as the Board prescribes, evidence satisfactory to the Board that he is licensed as a professional counselor or certified as a counselor associate by another state, territorial possession of the United States, District of Columbia or Commonwealth of Puerto Rico if the requirements for such licensure or certification are substantially equivalent to those of this Act.

Section 11. The Board by a majority of the Board members present and voting is authorized to withhold, deny, revoke or suspend any license or certificate issued or applied for in accordance with the provisions of this Act or otherwise discipline a licensed professional counselor or certified counselor associate upon proof by proper hearing that the applicant, licensed professional counselor or certified counselor associate:

(a) has been convicted, within or without the jurisdiction of this state, of a felony or any offense involving moral turpitude, the record of conviction being conclusive evidence thereof;

- (b) has violated the current code of ethics adopted by the Board;
- (c) is using any narcotic or any alcoholic beverage to an extent or in a manner dangerous to any other person or the public, or to an extent that such impairs his ability to perform the work of a professional counselor or counselor associate with safety to the public;
- (d) has impersonated another person holding a professional counselor license or counselor associate certificate or allowed another person to use his license or certificate;
- (e) has used fraud or deception in applying for a license or certificate or in taking an examination provided for in this Act;
- (f) has allowed his name or license or certificate issued under this Act to be used in connection with any person or persons who perform counseling services in private practice outside the area of their training, experience or competence;
- (g) is legally adjudicated mentally incompetent, the record of such adjudication being conclusive evidence thereof; or
- (h) has willfully or negligently violated any of the provisions of this Act.

Notice of denial, revocation, suspension, or disciplinary action is required to be sent by registered mail or personal service setting forth the particular reasons for the proposed action and fixing a date not less than thirty (30) days nor more than sixty (60) days from the date of such mailing or such service, at which time the applicant, licentiate or associate shall be given an opportunity for a prompt and fair hearing. The written notice shall be sent to the person's last known address, but the nonappearance of the person shall not prevent such a hearing. The hearing shall be conducted by the Board by means of sworn, recorded testimony. Parties have the right to be represented by counsel and to conduct cross-examination of witnesses.

On the basis of any hearing or upon default of applicant, licentiate, or associate, the Board shall make a determination specifying its findings of fact and conclusions of law. A copy of such determination shall be sent by registered mail or served personally upon the applicant, licentiate, or associate. The decision of the Board denying, revoking, or suspending the license or certificate shall become final thirty (30) days after so mailed or served unless within said period the applicant, licentiate, or associate appeals the decision to the courts of this State in the same manner and subject to the same powers and conditions as now provided by law in regard to rulings, orders and findings of other quasi-judicial bodies in Alabama, where not otherwise specifically provided. No such appeal while pending appropriate court action shall supersede such denial, revocation or suspension. All proceedings and evidence, together with exhibits presented at such hearings before the Board in the event of appeal, are admissible in evidence in said court.

Every order and judgment of the Board shall take effect immediately on its promulgation unless the Board in such order or judgment fixes a probationary period for applicant, licentiate, or associate. Such order and judgment shall continue in effect unless upon appeal the courts by proper order or decree terminate it earlier. The Board may make public its order and judgments in such manner and form as it deems proper.

The Board is authorized to suspend the license of a professional counselor or the certificate of a counselor associate for a period of not exceeding one (1) year. At the end of this period, the Board is required to re-evaluate the suspension and may recommend to the Chairman the reinstatement or revocation of the license or certificate. A person whose license or certificate has been revoked under the provisions of this section may apply for reinstatement after a period of not less than three (3) years from the date such denial or revocation is legally effective. The Board may, upon favorable action by a majority of the Board members present and voting, recommend such reinstatement.

Section 12. When it shall appear to the Board that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this act or any rule or order hereunder, the Board in its discretion and in its own name may bring an action in any court of competent jurisdiction to enjoin such acts or practices, and to enforce compliance with this act or any rule or order hereunder, regardless of whether criminal proceedings have been or may be instituted. Upon a proper showing, a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted.

Within one (1) year from the effective date of this Act, if any person shall hold himself out to the public as a licensed professional counselor or use any title or description, as prescribed in Section 2(a) and 2(b), or if any person for a fee, monetary or otherwise shall engage in the "Private Practice of Counseling," as prescribed in Section 2(e), subsections 1, 2, 3, 4, 5, and shall not then possess in full force and virtue a valid license to engage in private practice as a professional counselor under the provisions of this Act, he shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

The Board and its members shall assist prosecuting officers in the enforcement of this Act, and it shall be the duty of this Board and its members to furnish the proper prosecuting officers with such evidence as it or they may ascertain to assist them in the prosecution of any violation of this act, and the Board is authorized for such purposes to make such reasonable expenditures from the funds of the Board as it may deem necessary to ascertain and furnish such evidence. The Attorney General of the State shall be the attorney of the Board, but the Board may in its discretion employ other counsel. It shall be the duty of the district attorney of the judicial circuit wherein any offense is committed to prosecute violations of this Act.

The Alabama Board of Examiners in Counseling shall have authority to administer oaths, to summon witnesses, and to take testimony in all matters relating to its duties. Said Board shall be the sole agency in this state empowered to certify concerning competence in the private practice of counseling, and the sole Board empowered to license for the private practice of counseling.

The Alabama Board of Examiners in Counseling shall license to engage in private practice all persons who shall present satisfactory evidence of attainments and qualifications under provisions of this Act and the rules and regulations of the Board. Such licensure shall be signed by the Chairman of the Board of Examiners in Counseling under the Board's adopted seal.

Section 13. The Alabama Board of Examiners in Counseling shall adopt the Code of Ethics of the American Personnel and Guidance

Association and any revision or additions deemed appropriate by the Board to govern appropriate practice or behavior as referred to in Section 11 and Section 12 and shall file such code with the Secretary of State within thirty (30) days prior to effective date of such code.

Section 14. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 15. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 16. For a period of two years from the effective date of this Act the Board shall waive the requirements of Section 7f and 7g, and shall grant the appropriate license upon payment of the required fee to any person who is qualified by experience to practice counseling, and who has engaged in such private practice of counseling as of the effective date of this Act.

Section 17. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 21; Nays 3.

Abstaining 1.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Goodwin, Higginbotham, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Powell, Proctor, Shelby, Stewart, Vacca.

—21

*Nays:* Messrs. Pearson, St. John, Teague

—3

*Abstaining:* Mr. Little

—1

And said Bill, S. B. 189, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 3.

Abstaining 1.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Foshee, Goodwin, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Peden, Perloff, Proctor, Shelby, Stewart, Vacca, Waldrop.

—20

*Nays:* Messrs. Higginbotham, St. John, Teague

—3

*Abstaining:* Mr. Little

—1

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:



By Mr. Crowe (with notice and proof):

H. 1091. To provide that no state penitentiary or other state correctional or penal institution shall be located within the boundaries of Walker County unless approved by a majority of the qualified electorate of the county.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1091, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Crowe (with notice and proof):

H. 1092. To authorize municipalities of Walker County to elect to participate in the county civil service system and to provide for certain fees for employees of municipalities which so elect to be covered by the county merit system.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1092, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. McCluskey (with notice and proof):

H. 1098. Relating to Coosa County, providing that the Probate Judge shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for or in the process of transacting business.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1098, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Roberts and Drake (with notice and proof):

H. 1101. Relating to Morgan County; levying in certain areas of such county a special county privilege license tax, paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3, and 40-23-4 of Code of Alabama 1975, as amended; providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the State Department of Revenue; prescribing penalties and fixing punishment for violation of this act.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1101, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Kinsey (with notice and proof):

H. 1102. Relating to Baldwin County; to provide for the compensation and allowances of the directors of certain utility boards heretofore or hereafter established in the county; and to make the provisions of this Act retroactive to January 1, 1978.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1102, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Coburn and Goodwin (with notice and proof):

H. 1103. Relating to Colbert County, to provide further compensation for the chairman and each member of the board of equalization, payable from the county general fund.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1103, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Coburn and Goodwin (with notice and proof):

H. 1104. Relating to Colbert County, providing further for the compensation for members of the county board of education.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1104, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Coburn and Goodwin (with notice and proof):

H. 1106. Relating to Colbert County, to provide further compensation for the clerk and members of the jury commission, payable from the county general fund.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1106, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Coburn and Goodwin (with notice and proof):

H. 1107. Relating to Colbert County, to provide for certain expense allowances and salaries for certain county officials, and providing that this

act shall become effective only if approved at a referendum election in Colbert County.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1107, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Edwards (with notice and proof):

H. 1110. Relating to Wilcox County; further regulating the handling and expenditures of certain court fees accruing to Wilcox County; establishing the Wilcox County Law Library Fund and authorizing the expenditures of such funds; creating the Wilcox County Law Library Board and providing for its appointment, powers and duties; providing for taxation of \$3.00 court costs as a law library fee in all criminal, quasi-criminal or civil cases or other proceedings in the Circuit Court, District Court and Small Claims Court of Wilcox County.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1110, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1091, 1092, 1098, 1101, 1102, 1103, 1104, 1106, 1107, and 1110. To the Committee on Local Legislation No. 1.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 586. To authorize the execution of, and to give advance approval to, a compact between the State of Alabama and the State of Georgia to identify, acquire, own, transport, renovate, maintain, and exhibit historic or military articles, exhibits and attractions; to promote tourism throughout the Chattahoochee Valley; to establish a joint agency to be known as the Historic Chattahoochee Commission and other offices for the administration of the compact; to prescribe the authority, powers, duties and functions of the Commission and its members, officers, and committees; and to provide penalties for violation of certain provisions of the compact.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perry, Shelby, Stewart, Teague, Vacca, Waldrop.

—23

*Nays:*

—0

The Bill:

S. 562. To provide that any person who knowingly shows, exhibits, sells, distributes, or displays for sale, any obscene work to a minor, or who knowingly exhibits any obscene performance with knowledge that a minor is present in the audience, or who knowingly exhibits any obscene performance with reckless disregard as to whether a minor is present in an audience, or who knowingly exhibits any obscene performance where it is likely or probable that a minor is present in an audience, shall be guilty of a misdemeanor and shall be punished as provided herein, to provide exemptions from prosecution under this Act, to provide that a mistake as to the age of the minor shall constitute a defense to prosecution under certain circumstances, to provide for the extradition of persons charged with violations of this Act, to provide procedures for the issuance of search warrants for the seizure of allegedly obscene works, to provide procedures which comply with constitutional requirements for adversary hearings prior to trial on the question of the obscenity of works seized and to provide copies of works seized, to provide penalties for violation of Sections 2 or 3 of this Act, to provide for the forfeiture of works used in any violation of Sections 2 or 3 of this Act, to repeal Sections 6320 and 6322 of Act No. 607, Acts of Alabama, 1977 Regular Session, to provide for the severability of the parts of this Act, to provide an effective date, and to provide definitions for the provisions of this Act.

was taken up.

Mr. Mitchell offered the following amendment to the Bill, S. B. 562, to-wit:

#### AMENDMENT TO S. B. 562

On page 3 in Section 1 in line 22 strike the words "clothed or"

On page 4 in Section 2 on line 36 after the word "exhibit" and before the word "sell" insert the word

display

and on line 37 after the word "work" and before the word "or" insert the words

, or knowingly to possess any obscene work with the intent to show, exhibit, display, sell, or distribute it to a minor.

Which was adopted.

Yeas 22; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Edwards, Gilmore, Goodwin, Higginbotham, King,

Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Peden, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop.

—22

*Nays:*

—0

And said Bill, S. B. 562, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Edwards, Ellis, Fine, Foshee, Goodwin, Higginbotham, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Teague, Vacca, Waldrop.

—25

*Nays:*

—0

The Bill:

S. 360. To amend Section 1 of Act No. 516 enacted at the 1955 Regular Session of the Legislature of Alabama, as heretofore amended, to provide that the term "clinical facilities," as defined in said Section 1 of said Act No. 516, shall include any retirement home, retirement apartments or other similar domiciliary facility to be used, operated and maintained either as a part of, or in conjunction with, any nursing home.

was taken up.

Mr. Gilmore offered the following substitute for the Bill, S. B. 360, to-wit:

#### SUBSTITUTE FOR S. B. 360

#### A BILL TO BE ENTITLED AN ACT

To amend Section 11-58-1, Code of Alabama 1975 relating to Medical Clinic Boards and Clinical Facilities.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-58-1, Code of Alabama 1975, is amended to read as follows:

"Section 11-58-1. When used in this chapter, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise:

"(1) Medical Clinic. Any one or more of buildings or facilities which serve to promote the public health, either by providing places for any one or more of the following health purposes: (a) the diagnosis, treatment or cure of sick or injured persons; (b) the care, safekeeping and protection of minors; (c) retirement homes, retirement apartments or other similar domiciliary facilities to be used, operated and maintained either as part of, in conjunction with or under a contractual arrangement with any nursing home or hospital;

(d) lodging for out-patients of a hospital or nursing home or visitors to such hospital or nursing home, or (e) for research with respect to any of the foregoing (the 'Health Purposes'), including, without limiting the generality of the foregoing, hospitals, sanitoriums, nursing homes, kindergartens, nursery schools, orphan homes, retirement homes, retirement apartments, lodging facilities for outpatients of and visitors to a hospital or nursing home, offices for persons engaged in the diagnosis, treatment or cure of sick and injured persons any of the foregoing Health Purposes or research, and buildings to house or service equipment used for the diagnosis, or treatment of sick or injured persons for any of the foregoing Health Purposes or research, or the records of such diagnosis or treatment or research with respect to any of the foregoing Health Purposes or research.

"(2) Clinical Facilities. Real property for the location or better utilization of a medical clinic, buildings, parking areas, garages, storage facilities, outbuildings, machinery, equipment, furniture and fixtures useful or desirable in the operation of a medical clinic.

"Provided, however, that the foregoing definitions shall not be considered as determinative or indicative of whether any medical clinic or clinical facilities shall qualify to receive Medicaid or Medicare reimbursement."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Peden, Perloff, Powell, Shelby, Stewart, Teague, Vacca, Waldrop.

—26

*Nays:*

—0

And said Bill, S. B. 360, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Peden, Powell, Roberts, St. John, Teague, Vacca, Waldrop.

—26

*Nays:*

—0

## BILL RECONSIDERED

On motion of Mr. St. John, the Senate reconsidered the vote by which the Bill, S. B. 760, as amended, was passed.

On motion of Mr. St. John, further consideration of the Bill, S. B. 760, as amended, was postponed temporarily.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Mitchem, Kelley and Drake:

#### H. J. R. 602. DECLARING THE WEEK OF MAY 28-JUNE 3 ALABAMA POULTRY AND EGG WEEK

WHEREAS, the poultry industry is Alabama's largest food industry, accounting for approximately 37 per cent of the total farm income in Alabama; and

WHEREAS, Alabama is the third largest broiler producing state in the nation and ranks fifth in egg production, having produced 3.20 billion eggs in 1977 and 450 million broilers; and

WHEREAS, poultry and eggs can be purchased by Alabamians at reasonable prices; and

WHEREAS, Gordon Henderson, Albertville, Alabama has served with distinction and honor as president of the Alabama Poultry and Egg Association; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Week of May 28-June 3 is hereby declared to be "ALABAMA POULTRY AND EGG WEEK".

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 602, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Hall:

#### H. J. R. 601. URGING THE ALABAMA HIGHWAY DEPARTMENT TO SCHEDULE A PROMPT UNDERTAKING OF THE PROPOSED MOUNT OLIVE CHURCH INTERCHANGE ON I-59, JEFFERSON COUNTY.

WHEREAS, the Alabama Highway Department's Project RS-3708(101)

is for a proposed Mount Olive Church Interchange on I-59 in Trussville, Jefferson County, Alabama; although approved by the Federal Highway Administration, this project, years later, remains yet unscheduled for construction; and

WHEREAS, the Jefferson County Board of Education now plans to build both a new elementary and high school in Clay, Alabama, which two schools would be served by this interchange and by a connecting road that the county is unable to build until said interchange has been designed and construction scheduled; and

WHEREAS, an explosion of residential construction is presently occurring in Clay, which development is in vital need of access to I-59; and

WHEREAS, needs must be met for truck traffic serving the Trussville Industrial Park on U. S. 11, a primary urgency on which the interchange was originally based and one that is even greater today; and

WHEREAS, as the City of Trussville has no ad valorem taxes, it relies on sales of its municipally-owned water and gas utilities; this calls for an expanding service area for these utilities and one which cannot develop until the proposed interchange is completed, thereby providing customers from a larger Trussville area; and

WHEREAS, in view of the fact that money has been made available for this I-59 Interchange project and, in light of an agreement with property owners for the acquisition of land for right-of-way, this body sees no conceivable cause for further neglect and delay of a project so desperately needed to effect growth, development and resulting prosperity in this area of our state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly urge the Alabama Highway Department to schedule a prompt undertaking of the Mount Olive Church Interchange on I-59 in Trussville, Jefferson County, Alabama, as porposed by Project RS-3708(101).

BE IT FURTHER RESOLVED, That Highway Director Dan Turner be informed, by copy of this resolution, of the desires of the Alabama Legislature, and that copies be sent also to Governor George C. Wallace, to Mr. Otis Wilson, the engineer in charge of the above stated project, and to Mayor Ormond Bentley and former Mayor, Alton Williams, of Trussville, Alabama.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 601, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. White, McCorquodale, Biddle III, Moore (O), Waggoner, Martin, Gafford, Smith (M), Barron, Boles, Campbell, Carothers, Carter, Cates,



Coburn, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Ford, Goodwin, Gregg, Hall, Harris, Hilliard, Holley, Hopping, Howard, Johnson, Johnstone, Kelley, Killian, Langford, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Thomas, Trammell, Warren, Weeks, Williams and Wyatt:

H. J. R. 591. COMMENDING THE LEGISLATIVE WIVES COOK-BOOK COMMITTEE.

Also:

By Mrs. Quarles:

H. J. R. 592. CONGRATULATING AND COMMENDING JUDGE FRANK B. EMBRY, RECENTLY HONORED BY THE MONTGOMERY BAR.

Also:

By Messrs. Hall, Andrews, Trammell, Thomas, Biddle, Hopping and Falkenburg:

H. J. R. 600. COMMENDING POLICE CHIEF JAMES C. PARSONS OF BIRMINGHAM, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Gilmore, the Rules were suspended and the Resolution, H. J. R. 591, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Teague, the Rules were suspended and the Resolution, H. J. R. 592, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

The Resolution, H. J. R. 600, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### RECESS

At 2:50 P.M., on motion of Mr. Baker, the Senate took a recess until 3:05 P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 758. Relating to any county having a population of 500,000 or more, according to the 1970 or any subsequent federal decennial census; providing further for the pay for the chief inspectors of voting boxes within said county.

Also:

H. 805. To further amend Section 10 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) establishing a retirement system for employees and officers of Jefferson County, Alabama, as heretofore amended.

Also:

H. 819. To further amend Section 12 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) establishing a retirement system for employees and officers of Jefferson County, Alabama, as heretofore amended.

Also:

H. 894. To further amend Section 1 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) establishing a retirement system for employees and officers of Jefferson County, Alabama, as heretofore amended.

Also:

H. 901. To authorize the governing body of Jefferson County, Alabama to offer and pay a reward to any person furnishing information which leads to the arrest and conviction of any one, or more, of the offense of embezzling, stealing, willfully or maliciously destroying, or damaging, property of such County, the board of education of said County or of any agency of the County.

Also:

H. 946. To further amend Act No. 79, H. 99, 1966 Special Session (Acts 1966, p. 106), which act provides for the creation and operation of districts for fire protection and certain other public services in Jefferson County, so as to provide that service charges levied by such districts shall be obligations of property owners of the district served.

Also:

H. 985. Relating to Washington County; raising the sheriff's salary to \$18,000, beginning with the next term; repealing any expense allowances.

Also:

H. 986. Relating to Washington County; providing for service of jury summonses, witness subpoenas, notice of appointment of election officials and notice of tax liens by mail.

Also:

H. 1005. Relating to Washington County; to provide further for the compensation of poll officials and poll workers.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a

quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Smith (J) (with notice and proof):

H. 837. Relating to Houston County; to provide a salary from the General Fund for each County Commissioner excluding the Chairman of the Commission.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 837, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Smith (J):

H. 714. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers, and the restructuring or abolition of certain offices of Geneva County.

Also:

By Mr. Smith (J) (with notice and proof):

H. 1151. Relating to Geneva County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, and repealing conflicting laws.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1151, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Drake and Sparks (with notice and proof):

H. 1120. Relating to Cullman County, to regulate further the compensation of the tax assessor and tax collector and to repeal conflicting laws.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1120, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Drake (with notice and proof):

H. 1117. To increase the salaries of certain officials of Cullman County and to provide for the manner of their payment.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1117, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Drake (with notice and proof):

H. 1118. Relating to Cullman County; to authorize the county governing body to expend county funds without regard to the competitive bid law, to purchase supplies and equipment for volunteer fire departments and fire units.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1118, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Drake (with notice and proof):

H. 1119. Relating to Cullman County; to regulate employment practices with regard to road employees; to establish a county road personnel board and provide for its powers, jurisdiction, duties, compensation and allowances, membership, office space, supplies, equipment and clerical assistance; to provide for examination of job applicants; to establish procedures for employment and for suspension, discharge and other disciplinary actions and to provide for appeals from such actions and from decisions of the board; to prescribe duties and powers of the county governing body and the sheriff with regard to the board; to provide penalties for certain violations; to prohibit certain activities on the part of employees; to make the effectiveness hereof contingent upon the enactment of Senate Bill 346 of the 1978 Regular Session and its approval by the electors of the county at the referendum election provided for therein.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1119, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Shelton and Quarles (with notice and proof):

H. 961. Relating to Calhoun County; to amend Section 1 of Act No. 425, H. 997, Regular Session 1975 (Acts of 1975, p. 1020), relating to the Industrial Development Authority for Calhoun County, so as to increase the membership of the Authority to 28 members and to provide that members of the Calhoun County legislative delegation need not reside in Calhoun County in order to qualify to be an Authority member.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 961, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Shelton and Quarles (with notice and proof):

H. 964. Relating to Calhoun County; to amend Section 3 of Act No. 274, H. 990, Regular Session 1975 (Acts of 1975, p. 809), relating to the civil service system of Calhoun County, so as to provide that members of the Calhoun County Civil Service Board shall be appointed by all the members of the Calhoun County legislative delegation.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 964, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Merrill, Holmes (D) and Quarles (with notice and proof):

H. 1121. To amend further Act No. 592, S. 456, Regular Session 1953 (Acts 1953, p. 838), which act establishes a civil service system for employees of the City of Anniston, Alabama in Calhoun County, so as to provide further for certain expenditures of the civil service board created by said act.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1121, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Merrill, Holmes (D) and Quarles (with notice and proof):

H. 1122. Relating to the City of Anniston, Alabama; authorizing the City of Anniston, Alabama, at the sole discretion of the City Council of said City, to appropriate funds each fiscal year to pay not to exceed fifty percent (50%) of the costs of the Calhoun County District Court, Juvenile Division.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1122, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Shelton (with notice and proof):

H. 1138. To further amend Section 5 of Act No. 2182, H. 2753 Regular Session 1971 (Acts 1971, p. 3489) entitled "An Act To provide for the City of Jacksonville in Calhoun County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws, so as to increase the pay of members of the Board and to increase the authorized expenditure of the municipality for the operation of the board, and further limit the officers and employees to which the act shall not apply," so as to provide staggered terms for members of the board.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1138, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Shelton (with notice and proof):

H. 1139. Relating to the city of Jacksonville in Calhoun County; to provide for the election by popular vote of members of the city board of education, to prescribe their terms, qualifications and compensation, and to abolish the existing board of education in such city.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1139, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 837, 714, 1151, 1120, 1117, 1118, 1119, 961, 964, 1121, 1122, 1138, and 1139. To the Committee on Local Legislation No. 1.

(The above numbered Bill, H. B. 714, was read at length as required by the Constitution)

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of the University of South Alabama.

Respectfully submitted,

HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 11th day of April, 1978.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Hubert Bruister,

Butler, Alabama, as a member on the Board of Trustees of the University of South Alabama for the term expiring September 30, 1981.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

Done this 11th day of April, 1978.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of the University of South Alabama, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of the University of South Alabama.

Respectfully submitted,  
HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 11th day of April, 1978.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Honorable Otha Lee Biggs, Monroeville, Alabama, as a member on the Board of Trustees of the University of South Alabama for the term expiring September 30, 1989.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

Done this 11th day of April, 1978.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of the University of South Alabama, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of the University of South Alabama.

Respectfully submitted,

HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 11th day of April, 1978.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Honorable Charles Woods, Ozark, Alabama, as a member on the Board of Trustees of the University of South Alabama for the term expiring September 30, 1989.

Respectfully,

GEORGE C. WALLACE,  
Governor.

Done this 11th day of April, 1978.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of the University of South Alabama, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of the University of South Alabama.

Respectfully submitted,

HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 11th day of April, 1978.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama



Gentlemen:

I have appointed, subject to your confirmation, Mr. Arthur P. Cook, Birmingham, Alabama, as a member on the Board of Trustees of the University of South Alabama for the term expiring September 30, 1989.

Respectfully,

GEORGE C. WALLACE,  
Governor.

Done this 11th day of April, 1978.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of the University of South Alabama, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of the University of South Alabama.

Respectfully submitted,

HENRY B. STEAGALL, II.,  
Executive Secretary.

Done this 11th day of April, 1978

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Ernest G. Cleverdon, Mobile, Alabama, as a member on the Board of Trustees of the University of South Alabama for the term expiring September 30, 1989.

Respectfully,

GEORGE C. WALLACE,  
Governor.

Done this 11th day of April, 1978

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of the University of South Alabama, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of the University of South Alabama.

Respectfully submitted,  
HENRY B. STEAGALL, II.,  
Executive Secretary.

Done this 11th day of April, 1978

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Dr. J. Mac Bell, Jr., Mobile, Alabama, as a member on the Board of Trustees of the University of South Alabama for the term expiring September 30, 1989.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

Done this 11 day of April 1978

## GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of the University of South Alabama, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Alabama Commission on Higher Education.

Respectfully submitted,  
HENRY B. STEAGALL, II.,  
Executive Secretary

Done this 11 day of April, 1978

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. John M. Harbert, III, Birmingham, Alabama, as a member of the Alabama Commission on Higher Education for the term expiring August 31, 1985.

Respectfully,

GEORGE C. WALLACE,  
Governor.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Commission on Higher Education, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messer. Crowe, Baker, Barron, Boles, Buskey, Carter, Clark, Coburn, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Hall, Hilliard, Hopping, Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lutz, McCorquodale, McCluskey, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Quarles, Riddick, Roberts, Sandusky, Shoemaker, Smith (M), Sonnier, Sparks, Starkey, Taylor, Thomas, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Weeks, Whatley, White and Wyatt:

H. J. R. 598. HONORING ANDY NARAMORE, NAMED "MOST OUTSTANDING YOUNG MAN OF THE YEAR" BY THE JASPER JAYCEES.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 598, set out in the foregoing Message from the House, was read and referred to Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 602. Relating to Crenshaw County; providing for an increase in the pay of the members of the board of equalization.

Also:

S. 599. Relating to Crenshaw County; to provide an additional monthly salary allowance for the members of the county commission, effective beginning with the next term of office.

Also:

S. 728. Relating to Franklin County; to provide for the fee for the issuance of pistol permits by the sheriff and for the disposition of such fee.

Also:

S. 727. To repeal Act No. 494, S. 927, approved August 26, 1971, Regular Session 1971 (Acts 1971, p. 1207), entitled, "An Act Relating to counties having a population of not less than 23,900 nor more than 24,450, fixing the fee for issuance of a pistol permit by the sheriffs in such counties and providing for the distribution and use of such fees."

Also:

S. 676. Relating to Monroe County; providing additional expense allowances for members of the board of education.

Also:

S. 677. To authorize the Presiding Circuit Judge of the 35th Judicial Circuit to withdraw a certain amount from the Solicitor's Funds which comprise such Circuit to be used for the effective administration of justice.

Also:

S. 711. Relating to Marshall County; to provide that the salary commission of the county shall set the salaries and compensation of the members and employees of the board of registrars to be paid from county funds.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to Senate:

S. 723. Relating to the Thirty-Sixth Judicial Circuit; to provide for the assessment and collection of an additional filing fee on each district and circuit court case filed with clerk's office in the Thirty-Sixth Judicial Circuit to be used to establish and maintain a law library in said circuit.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Edwards, the Senate concurred in and adopted the following House amendment to the Bill, S.B. 723, the title of which is set out in the foregoing Message from the House, to-wit:

#### AMENDMENT TO S. 723

Amend S. 723 as follows:

On page 1, lines 14 and 25 by inserting, after the word "circuit" on both lines, the following language: and to establish, maintain and operate a historical commission in Lawrence County.

On page 1, line 31, by inserting, after the word "and" the following language: one half of the proceeds from

On page 1, line 33 by inserting after the word "circuit" the following language:

, and the other one half of the proceeds of said fee shall be set aside to be used to establish, maintain and operate a historical commission in Lawrence County.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca and Wilson.

—25

*Nays:*

—0

#### REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Resolutions and ordered same returned to the Sendate with a favorable report, to-wit:

H. J. R. 20. CONGRATULATING THE HALL OF FAME PROMOTERS ON THEIR INAUGURAL CLASSIC.

H. J. R. 516. COMMENDING THE BIRMINGHAM-SOUTHERN COLLEGE BASKEKBALL TEAM.

H. J. R. 519. MOURNING THE DEATH OF POLICE CAPTAIN A. CARLOS WELLS.

H. J. R. 403. CONGRATULATING MR. WILLIE STEWART, NAMED "PANTHER OF THE YEAR."

H. J. R. 84. HONORING MR. ROBERT LEE BOWLES, PROMINENT JACKSON COUNTY CIVIC AND RELIGIOUS LEADER.

H. J. R. 83. COMMENDING COACH KENNETH HAROLD McKINNEY AND HIS STEVENSON HIGH SCHOOL STATE 2-A FOOTBALL CHAMPIONS.

On motion of Mr. Fine, the Resolutions H. J. R.'s 20, 516, 519, 403, 84, and 83, were concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to Senate:

S. 726. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Russellville, in Franklin County.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 253. To amend further Act No. 2141, H. 2561, 1971 Regular Session (Acts 1971, p. 3431), entitled, "An Act To provide for and prescribe the form of government of all cities having populations of not less than 35,000 nor more than 37,000," so as to provide further for the disclosure of campaign contributions and expenditures made in relation to city elections; and to remedy a possible defect in the title of said Act.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Adams, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 253, the title of which is set out in the foregoing Message from the House, to-wit:

## AMENDMENT TO S. B. 253

Amend S. B. 253, Section 2 line 7 back page by striking the amount \$10 after the word of and inserting the amount \$50.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Goodwin, Higginbotham, King, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Pearson, Peden, Perry, Powell, Roberts, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Gafford, Albright, Whatley, Greer, Kelley, Warren, Smith (M), Venable, McNees, White, Biddle, McCulley, Mitchem, Waggoner, Carothers, Robertson, Jolly, Kinsey, McMillan, Andrews, Cross, Coburn, Boles, Starkey, Hill, Crowe, Smith (B), Falkenburg, Holmes (D), Hopping, Shoemaker, Dial, Shelton, Moore (O), Folmar, Greer, Wyatt, Williams, Ward, Naramore, Morris, Roberts, Carter, Jackson (F), Edwards, Martin, Clark and Goodwin:

H. 346. To provide for a law enforcement officers' bill of rights for any state, county and municipal law enforcement agencies in this state; defining certain rights of any officer accused of misconduct; providing for disciplinary hearings and adequate prior notice upon alleged misconduct of any officer; providing a uniform procedure for the composition of the complaint review boards of the various law enforcement agencies; providing that any law enforcement officer may bring civil suit for damages suffered while on official duty; providing that no officer may have disciplinary action taken against him by reason of exercising the rights granted hereby; providing for the receipt and processing of all written complaints; and providing sanctions by the district attorneys or state attorney by writ of injunction for non-compliance with the provisions of this Act; and repealing conflicting laws.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 346. To the Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 585. HONORING HUBERT GREEN, CURRENT UNITED STATES OPEN CHAMPION.

Also:

H. J. R. 586. REGRETTING THE ILLNESS OF MR. LLOYD H. DAVIS AND WISHING HIM A SPEEDY RECOVERY.

Also:

H. J. R. 587. COMMENDING MR. L. W. "BILL" MARTIN FOR OUTSTANDING COMMUNITY SERVICE.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

## BILLS ON THIRD READING RESUMED

## The Bill:

S. 783. To appropriate two hundred fifty million dollars (\$250,000,000) from the Alabama Special Educational Trust Fund, over a designated period, for capital improvements for public educational purposes, including libraries, laboratories and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, for colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide how said monies shall be spent by the state board of education and the Alabama Commission on Higher Education.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 783, to-wit:

## COMMITTEE SUBSTITUTE FOR S. B. 783

A BILL  
TO BE ENTITLED  
AN ACT

To appropriate two hundred fifty million dollars (\$250,000,000) from the Alabama Special Educational Trust Fund, over a designated period, for capital improvements for public educational purposes, including libraries, laboratories and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, for colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide how said monies shall be spent by the state board of education and the Alabama Commission on Higher Education.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. Wherever used in this Act, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

"Board" means the state board of education.

"Capital Improvements" means buildings containing classrooms, offices, libraries, laboratories, clinical or teaching facilities, and facilities for athletics, recreation and physical education, research facilities, and land as sites therefor, together with equipment therefor, and school buses. The term "Capital Improvements" also includes equipment to be used in buildings containing classrooms, libraries, laboratories, clinical or teaching facilities, and facilities for recreation and physical education, that are not constructed, reconstructed, purchased, altered, improved or equipped with any appropriations made pursuant to this Act.

The term "Capital Improvements" does not include textbooks, office supplies, or school supplies used by the educational institutions listed in Section 2 of this Act, or any of their personnel or students.

"Commission" means the Alabama commission on higher education.

Section 2. The state board of education and the commission on higher education are hereby authorized to use the appropriations herein made for



the construction, reconstruction, purchase, alteration, improvement, and equipment of any types of Capital Improvements for public educational purposes in the state, for senior colleges and universities, junior colleges, vocational-technical institutes, and elementary-secondary school systems and special schools, and including the cost of architectural services therefor and services rendered by building inspectors for periodic and final inspections thereof. The appropriations authorized in this Act to be paid by the Board and Commission shall be in addition to all other appropriations heretofore or hereafter authorized.

Section 3. There is hereby appropriated from the Alabama Special Educational Trust Fund of the state treasury \$50,000,000 per annum for each of the following five years: Fiscal year ending September 30, 1979, fiscal year ending September 30, 1980, fiscal year ending September 30, 1981, fiscal year ending September 30, 1982, and fiscal year ending September 30, 1983. The funds hereby appropriated shall be deposited in the state treasury and shall be carried in a separate fund therein for the account of the Board and Commission and paid out, from time to time, on orders or warrants issued at the direction of the Board or Commission, pursuant to the purposes stated in Section 2 of this Act, and such funds shall be used solely for those purposes and shall be allocated and expended over the five-year period by the Board and Commission in the amounts set out as follows:

(A) For the fiscal year ending September 30, 1979, fifty million dollars (\$50,000,000) for elementary-secondary school systems to be distributed by the Board as follows:

(1) One hundred thousand dollars (\$100,000) be paid to each city and county board of education.

(2) The remaining balance of the fifty million dollars (\$50,000,000) shall be allocated and distributed to city and county boards of education, pro rata, on the basis of teacher units as determined in accordance with the minimum school program for the school year 1976-77.

(3) From the total funds received by Mobile County, pursuant to this Act, \$500,000 shall be earmarked for capital improvements, including new buildings, for educational purposes at Mt. Vernon.

(b) For the fiscal year ending September 30, 1980, twenty-three million nine hundred four thousand eight hundred forty dollars (\$23,904,840), and for the fiscal year ending September 30, 1981, fourteen million dollars (\$14,000,000), and for the fiscal year ending September 30, 1982, thirty-four million five hundred thirty-six thousand nine hundred thirty dollars (\$34,536,930), and for the fiscal year ending September 30, 1983, fourteen million dollars (\$14,000,000) shall be allocated and distributed by the Board to the city and county boards of education in accordance with subparagraph (a) (2) of this section.

(c) The state board of education shall determine the order of priorities but such priorities shall meet the directives and amounts herein set forth.

(d) For the fiscal year ending September 30, 1980, twenty-six million ninety-five thousand one hundred sixty dollars (\$26,095,160) to vocational-technical institutes to be distributed by the Board as follows:

1. Alabama Aviation and Technical College, Ozark . . . . \$1,004,585
2. Alabama Technical College, Gadsden . . . . . 1,513,013
3. Atmore State Technical Institute . . . . . 523,584

|   |                   |
|---|-------------------|
| 4. Harry M. Ayers State Technical College, Anniston .....           | 687,759           |
| 5. Bessemer State Technical College .....                           | 1,544,160         |
| 6. John C. Calhoun State Com. Col. (Tech. Branch) .....             | 1,115,407         |
| 7. Carver State Tech. Institute, Mobile .....                       | 443,716           |
| 8. J. F. Drake State Tech. Col., Huntsville .....                   | 1,588,575         |
| 9. C. A. Fredd State Tech. Col., Tuscaloosa .....                   | 443,716           |
| 10. Gadsden State Technical Inst., Gadsden .....                    | 468,386           |
| 11. Richmond P. Hobson State Tech. College, Thomasville ..          | 588,714           |
| 12. J. F. Ingram State Tech. Inst., Deatsville .....                | 909,716           |
| 13. Theodore A. Lawson State Com. Col.,<br>Birmingham (Tech.) ..... | 1,058,260         |
| 14. Douglas MacArthur State Tech. Col., Opp .....                   | 1,075,456         |
| 15. Muscle Shoals Tech. Inst., Muscle Shoals .....                  | 947,995           |
| 16. Northwest Ala. State Tech. Col., Hamilton .....                 | 737,117           |
| 17. N. F. Nunnelley State Tech. Col., Childersburg .....            | 1,061,089         |
| 18. Opelika State Tech. College .....                               | 895,196           |
| 19. John M. Patterson State Tech., Col., Montg. ....                | 1,526,064         |
| 20. Ed E. Reid State Tech. Col., Evergreen .....                    | 443,716           |
| 21. Shelton State Tech. Col., Tuscaloosa .....                      | 906,765           |
| 22. Southwest State Tech. College, Mobile .....                     | 1,330,834         |
| 23. Chauncey Sparks State Tech. College (Eufaula) .....             | 461,813           |
| 24. Councill Trenholm State Tech. Col. (Montg.) .....               | 549,098           |
| 25. Walker State Tech. School, Sumiton .....                        | 887,430           |
| 26. George C. Wallace Tech. Div. (Dothan) .....                     | 1,203,577         |
| 27. George C. Wallace Tech. Div. (Hanceville) .....                 | 474,241           |
| 28. George C. Wallace Tech. Div., Selma .....                       | 845,321           |
| 29. Regional Technical Institute, Birmingham .....                  | 328,598           |
| 30. Talladega Adult Blind & Deaf Training Center .....              | 531,358           |
|   | <u>26,095,259</u> |

(e) For the fiscal year ending September 30, 1982, fifteen million four hundred sixty-three thousand seventy dollars (\$15,463,070) to the junior colleges to be distributed by the Board as follows:

|  |             |
|--|-------------|
| 1. Alexander City State Junior College .....       | \$1,114,834 |
| 2. S. D. Bishop State Junior College, Mobile ..... | 1,150,332   |
| 3. Brewer State Junior College, Fayette .....      | 554,645     |

|   |              |
|---|--------------|
| 4. John C. Calhoun State Community Col., Decatur .....    | 554,645      |
| 5. Chattahoochee Valley St. Jr. Col. (Phoenix City) ..... | 554,645      |
| 6. Jefferson Davis State Jr. College, Brewton .....       | 554,645      |
| 7. Enterprise State Jr. College, Enterprise .....         | 554,645      |
| 8. James H. Faulkner St. Jr. Col., Bay Minette .....      | 698,852      |
| 9. Gadsden State Junior Col., Gadsden .....               | 1,203,667    |
| 10. Patrick Henry State Jr. Col., Monroeville .....       | 554,645      |
| 11. Jefferson State Jr. Col., Birmingham .....            | 1,494,813    |
| 12. Theodore A. Lawson St. Com. Col., Birmingham .....    | 1,004,461    |
| 13. Northeast Ala. State Jr. Col., Rainsville .....       | 554,645      |
| 14. Northwest Ala. State Jr. Col., Phil Campbell .....    | 554,645      |
| 15. Snead State Jr. College, Boaz .....                   | 698,852      |
| 16. Southern Union Jr. Col., Wadley .....                 | 554,643      |
| 17. George C. Wallace Jr. Col., Dothan .....              | 554,645      |
| 18. George C. Wallace, Hanceville .....                   | 554,645      |
| 19. George C. Wallace Jr. Col., Selma .....               | 1,441,519    |
| 20. Lurleen B. Wallace, Andalusia .....                   | 554,645      |
|   | \$15,463,070 |

(f) The funds allocated in subparagraphs (d) and (e) hereof shall be expended in accordance with the priorities determined by the state board of education, with the approval of the governor; provided, however, all such funds must be allocated by the end of the fiscal year ending September 30, 1982.

(g) For the fiscal year ending September 30, 1981, thirty-six million dollars (\$36,000,000) and for the fiscal year ending September 30, 1983, thirty-six million dollars (\$36,000,000) to the senior colleges and universities to be distributed by the Commission as follows:

(1) \$9,000,000 to the Board of Trustees of the University of Alabama to be used at its Tuscaloosa campus;

(2) \$9,000,000 to the Board of Trustees of the University of Alabama to be used at its Birmingham campus;

(3) \$4,000,000 to the Board of Trustees of the University of Alabama to be used at its Huntsville campus;

(4) \$9,000,000 to Auburn University;

(5) \$3,000,000 to Auburn University at Montgomery;

(6) \$6,000,000 to the University of South Alabama;

(7) \$3,500,000 to the University of Montevallo;

(8) \$4,500,000 to the University of North Alabama;

- (9) \$4,250,000 to Jacksonville State University;
- (10) \$3,000,000 to Livingston University;
- (11) \$4,500,000 to Troy State University;
- (12) \$5,000,000 to the Alabama Agricultural and Mechanical University;
- (13) \$5,000,000 to Alabama State University;
- (14) \$1,250,000 to Athens State College;
- (15) \$1,250,000 to the Alabama Institute for Deaf and Blind at Talladega.

(h) The funds allocated in subparagraph (g) hereof shall be allocated by the priorities determined by the Commission, with the approval of the governor; provided, however, that all such funds must be allocated by the end of the fiscal year ending September 30, 1983, and in accordance with the directives and in the total amounts set forth in this Act.

(i) Each building constructed wholly or in part with any portion of the proceeds herein shall be by competitive bidding and shall be constructed pursuant to plans and specifications approved by the Technical Staff of the Building Commission, or any agency that may be designated by the Legislature as its successor, and the costs of architectural and supervisory services shall be construed to constitute construction costs.

Section 4. Severability. In the event any section, sentence, clause or provision of this Act shall be declared invalid by a court of competent jurisdiction, that action shall not affect the validity of the remaining sections, sentences, clauses or provisions of this Act, which shall continue effective.

Section 5. Repealer. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. Effective Date. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute for the Bill, S. B. 783, to-wit:

#### AMENDMENT TO S. B. 783

Amend S. B. 783, Page 4, Line 13 by inserting after the word "Mt. Vernon" the following sentence:

"The entire amount allocated in Section 3, Subsections (a)(1)(2) and (b) to the Etowah County Board of Education shall be expended for a middle school in District 6 on the Rainbow City side of the Coosa River."

On motion of Mr. Peden, said substitute and pending amendment were laid on the table.

Mr. Peden offered the following substitute for the Bill, S. B. 783, to-wit:

## SUBSTITUTE FOR S. B. 783

A BILL  
TO BE ENTITLED  
AN ACT

To appropriate two hundred fifty million dollars (\$250,000,000) from the Alabama Special Educational Trust Fund, over a designated period, for capital improvements for public educational purposes, including libraries, laboratories and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, for colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide how said monies shall be spent by the state board of education and the Alabama Commission on Higher Education.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. Wherever used in this Act, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

"Board" means the state board of education.

"Capital Improvements" means buildings containing classrooms, offices, libraries, laboratories, clinical or teaching facilities, and facilities for athletics, recreation and physical education, research facilities, and land as sites therefor, together with equipment therefor, and school buses. The term "Capital Improvements" also includes equipment to be used in buildings containing classrooms, libraries, laboratories, clinical or teaching facilities, and facilities for recreation and physical education, that are not constructed, reconstructed, purchased, altered, improved or equipped with any appropriations made pursuant to this Act.

The term "Capital Improvements" does not include textbooks, office supplies, or school supplies used by the educational institutions listed in Section 2 of this Act, or any of their personnel or students.

"Commission" means the Alabama commission on higher education.

Section 2. The state board of education and the commission on higher education are hereby authorized to use the appropriations herein made for the construction, reconstruction, purchase, alteration, improvement, and equipment of any types of Capital Improvements for public educational purposes in the state, for senior colleges and universities, junior colleges, vocational-technical institutes, and elementary-secondary school systems and special schools, and including the cost of architectural services therefor and services rendered by building inspectors for periodic and final inspections thereof. The senior colleges and universities, junior colleges, vocational-technical institutes, and elementary-secondary school systems and special schools may use those monies appropriated to them as a result of this act to pay the interest on those funds borrowed for Capital Improvements as provided for in this act. The appropriations authorized in this Act to be paid by the Board and Commission shall be in addition to all other appropriations heretofore or hereafter authorized.

Section 3. There is hereby appropriated from the Alabama Special Educational Trust Fund of the state treasury fifty million dollars (\$50,000,000) per annum for each of the following five years: Fiscal year

ending September 30, 1980, fiscal year ending September 30, 1981, fiscal year ending September 30, 1982, fiscal year ending September 30, 1983, fiscal year ending September 30, 1984. The funds hereby appropriated shall be deposited in the state treasury and shall be carried in a separate fund therein for the account of the Board and Commission and paid out, from time to time, on orders or warrants issued at the direction of the Board or Commission, pursuant to the purposes stated in Section 2 of this act, and such funds shall be used solely for those purposes and shall be allocated and expended over the five-year period by the Board and Commission in the amounts set out as follows:

(a) For the fiscal year ending September 30, 1980, fifty million dollars (\$50,000,000) for elementary-secondary school systems to be distributed by the Board as follows:

(1) One hundred thousand dollars (\$100,000) be paid to each city and county board of education.

(2) The remaining balance of the fifty million dollars (\$50,000,000) shall be allocated and distributed to city and county boards of education, pro rata, on the basis of teacher units as determined in accordance with the minimum school program for the school year 1976-77.

(3) From the total funds received by Mobile County, pursuant to this Act, \$500,000 shall be earmarked for capital improvements, including new buildings, for educational purposes at Mt. Vernon.

(4) The entire amount allocated in Section 3, Subsections (a)(1)(2) and (b) to the Etowah County Board of Education shall be expended for a middle school in District 6 on the Rainbow City side of the Coosa River.

(b) For the fiscal year ending September 30, 1981, twenty-three million nine hundred four thousand eight hundred forty dollars (\$23,904,840), and for the fiscal year ending September 30, 1982, thirteen million eight hundred seventy-five thousand dollars (\$13,875,000), and for the fiscal year ending September 30, 1983, thirty-four million five hundred thirty-six thousand nine hundred thirty dollars (\$34,536,930), and for the fiscal year ending September 30, 1984, thirteen million eight hundred seventy-five thousand dollars (\$13,875,000) shall be allocated and distributed by the Board to the city and county boards of education in accordance with subparagraph (a)(2) of this section.

(c) The state board of education shall determine the order of priorities but such priorities shall meet the directives and amounts herein set forth.

(d) For the fiscal year ending September 30, 1981, twenty-six million ninety-five thousand one hundred sixty dollars (\$26,095,160) to vocational-technical institutes to be distributed by the Board as follows:

1. Alabama Aviation and Technical College, Ozark ..... \$1,004,585
2. Alabama Technical College, Gadsden ..... 1,513,013
3. Atmore State Technical Institute ..... 523,584
4. Harry M. Ayers State Technical College, Anniston ..... 687,759
5. Bessemer State Technical College ..... 1,544,160
6. John C. Calhoun State Com. Col. (Tech. Branch) ..... 1,115,407
7. Carver State Tech. Institute, Mobile ..... 443,716
8. J. F. Drake State Tech. Col., Huntsville ..... 1,588,575

|   |            |
|---|------------|
| 9. C. A. Fredd State Tech. Col., Tuscaloosa .....                   | 443,716    |
| 10. Gadsden State Technical Inst., Gadsden .....                    | 468,386    |
| 11. Richmond P. Hobson State Tech. College, Thomasville ..          | 588,714    |
| 12. J. F. Ingram State Tech. Inst., Deatsville .....                | 909,716    |
| 13. Theodore A. Lawson State Com. Col.,<br>Birmingham (Tech.) ..... | 1,058,260  |
| 14. Douglas MacArthur State Tech. Col., Opp .....                   | 1,075,456  |
| 15. Muscle Shoals Tech. Inst., Muscle Shoals .....                  | 947,995    |
| 16. Northwest Ala. State Tech. Col., Hamilton .....                 | 737,117    |
| 17. N. F. Nunnelley State Tech. Col., Childersburg .....            | 1,061,089  |
| 18. Opelika State Tech. College .....                               | 895,196    |
| 19. John M. Patterson State Tech., Col., Montg. ....                | 1,526,064  |
| 20. Ed E. Reid State Tech. Col., Evergreen .....                    | 443,716    |
| 21. Shelton State Tech. Col., Tuscaloosa .....                      | 906,765    |
| 22. Southwest State Tech. College, Mobile .....                     | 1,330,834  |
| 23. Chauncey Sparks State Tech. College (Eufaula) .....             | 461,813    |
| 24. Councill Trenholm State Tech. Col. (Montg.) .....               | 549,098    |
| 25. Walker State Tech. School, Sumiton .....                        | 887,430    |
| 26. George C. Wallace Tech. Div. (Dothan) .....                     | 1,203,577  |
| 27. George C. Wallace Tech. Div. (Hanceville) .....                 | 474,241    |
| 28. George C. Wallace Tech. Div., Selma .....                       | 845,321    |
| 29. Regional Technical Institute, Birmingham .....                  | 328,598    |
| 30. Talladega Adult Blind & Deaf Training Center .....              | 531,358    |
|   | 41,558,230 |

(e) For the fiscal year ending September 30, 1983, fifteen million four hundred sixty-three thousand seventy dollars (\$15,463,070) to the junior colleges to be distributed by the Board as follows:

|   |             |
|---|-------------|
| 1. Alexander City State Junior College .....              | \$1,114,834 |
| 2. S. D. Bishop State Junior College, Mobile .....        | 1,150,332   |
| 3. Brewer State Junior College, Fayette .....             | 554,645     |
| 4. John C. Calhoun State Community Col., Decatur .....    | 554,645     |
| 5. Chattahoochee Valley St. Jr. Col. (Phoenix City) ..... | 554,645     |
| 6. Jefferson Davis State Jr. College, Brewton .....       | 554,645     |
| 7. Enterprise State Jr. College, Enterprise .....         | 554,645     |
| 8. James H. Faulkner St. Jr. Col., Bay Minette .....      | 698,852     |

|  |                     |
|--|---------------------|
| 9. Gadsden State Junior Col., Gadsden .....            | 1,203,667           |
| 10. Patrick Henry State Jr. Col., Monroeville .....    | 554,645             |
| 11. Jefferson State Jr. Col., Birmingham .....         | 1,494,813           |
| 12. Theodore A. Lawson St. Com. Col., Birmingham ..... | 1,004,461           |
| 13. Northeast Ala. State Jr. Col., Rainsville .....    | 554,645             |
| 14. Northwest Ala. State Jr. Col., Phil Campbell ..... | 554,645             |
| 15. Snead State Jr. College, Boaz .....                | 698,852             |
| 16. Southern Union Jr. Col., Wadley .....              | 554,645             |
| 17. George C. Wallace Jr. Col., Dothan .....           | 554,645             |
| 18. George C. Wallace, Hanceville .....                | 554,645             |
| 19. George C. Wallace Jr. Col., Selma .....            | 1,441,519           |
| 20. Lurleen B. Wallace, Andalusia .....                | 554,645             |
|  | <u>\$15,463,070</u> |

(f) The funds allocated in subparagraphs (d) and (e) hereof shall be expended in accordance with the priorities determined by the state board of education, with the approval of the governor; provided, however, all such funds must be allocated by the end of the fiscal year ending September 30, 1983.

(g) For the fiscal year ending September 30, 1982, thirty-six million one hundred twenty-five thousand dollars (\$36,125,000) and for the fiscal year ending September 30, 1984, thirty-six million one hundred twenty-five thousand dollars (\$36,125,000) to the senior colleges and universities to be distributed by the Commission as follows:

(1) \$9,000,000 to the Board of Trustees of the University of Alabama to be used at its Tuscaloosa campus;

(2) \$9,000,000 to the Board of Trustees of the University of Alabama to be used at its Birmingham campus;

(3) \$4,000,000 to the Board of Trustees of the University of Alabama to be used at its Huntsville campus;

(4) \$9,000,000 to Auburn University;

(5) \$3,000,000 to Auburn University at Montgomery;

(6) \$6,000,000 to the University of South Alabama;

(7) \$3,500,000 to the University of Montevallo;

(8) \$4,500,000 to the University of North Alabama;

(9) \$4,250,000 to Jacksonville State University;

(10) \$3,000,000 to Livingston University;

(11) \$4,500,000 to Troy State University;



(12) \$5,000,000 to the Alabama Agricultural and Mechanical University;

(13) \$5,000,000 to Alabama State University;

(14) \$1,250,000 to Athens State College;

(15) \$1,250,000 to the Alabama Institute for Deaf and Blind at Talladega.

(h) The funds allocated in subparagraph (g) hereof shall be allocated by the priorities determined by the Commission, with the approval of the governor; provided, however, that all such funds must be allocated by the end of the fiscal year ending September 30, 1984, and in accordance with the directives and in the total amounts set forth in this Act.

(i) Each building constructed wholly or in part with any portion of the proceeds herein shall be by competitive bidding and shall be constructed pursuant to plans and specifications approved by the Technical Staff of the Building Commission, or any agency that may be designated by the Legislature as its successor, and the costs of architectural and supervisory services shall be construed to constitute construction costs.

Section 4. Severability. In the event any section, sentence, clause or provision of this Act shall be declared invalid by a court of competent jurisdiction, that action shall not affect the validity of the remaining sections, sentences, clauses or provisions of this Act, which shall continue effective.

Section 5. Repealer. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. Effective Date. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Mr. Little offered the following amendment to the substitute for the Bill, S. B. 783, to-wit:

#### AMENDMENT TO SUBSTITUTE FOR S. B. 783

#### A BILL TO BE ENTITLED AN ACT

To appropriate two hundred fifty million dollars (\$250,000,000) from the Alabama Special Educational Trust Fund, over a designated period, for capital improvements for public educational purposes, including libraries, laboratories and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, for colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide how said monies shall be spent by the state board of education and the Alabama Commission on Higher Education.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. Wherever used in this Act, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

"Board" means the state board of education.

"Capital Improvements" means buildings containing classrooms, offices, libraries, laboratories, clinical or teaching facilities, and facilities for athletics, recreation and physical education, research facilities, and land as sites therefor, together with equipment therefor, and school buses. The term "Capital Improvements" also includes equipment to be used in buildings containing classrooms, libraries, laboratories, clinical or teaching facilities, and facilities for recreation and physical education, that are not constructed, reconstructed, purchased, altered, improved or equipped with any appropriations made pursuant to this Act.

The term "Capital Improvements" does not include textbooks, office supplies, or school supplies used by the educational institutions listed in Section 2 of this Act, or any of their personnel or students.

"Commission" means the Alabama commission on higher education.

Section 2. The state board of education and the commission on higher education are hereby authorized to use the appropriations herein made for the construction, reconstruction, purchase, alteration, improvement, and equipment of any types of Capital Improvements for public educational purposes in the state, for senior colleges and universities, junior colleges, vocational-technical institutes, and elementary-secondary school systems and special schools, and including the cost of architectural services therefor and services rendered by building inspectors for periodic and final inspections thereof. The appropriations authorized in this Act to be paid by the Board and Commission shall be in addition to all other appropriations heretofore or hereafter authorized.

Appropriations made under this Act may be used for the retirement of any debts, principal and interest, incurred in connection with "Capital Improvements" projects financed under this Act.

Section 3. There is hereby appropriated from the Alabama Special Educational Trust Fund of the state treasury \$50,000,000 per annum for each of the following five years: Fiscal year ending September 30, 1980, fiscal year ending September 30, 1981, fiscal year ending September 30, 1982, fiscal year ending September 30, 1983, and fiscal year ending September 30, 1984. The funds hereby appropriated shall be deposited in the state treasury and shall be carried in a separate fund therein for the account of the Board and Commission and paid out, from time to time, on orders or warrants issued at the direction of the Board or Commission, pursuant to the purposes stated in Section 2 of this Act, and such funds shall be used solely for those purposes and shall be allocated and expended over the five-year period by the Board and Commission in the amounts set out as follows:

(a) For the fiscal year ending September 30, 1980, twenty-seven million two hundred eighty-eight thousand three hundred fifty-four dollars (\$27,288,354) for elementary-secondary school systems to be distributed by the Board as follows:

(1) One hundred thousand dollars (\$100,000) be paid to each city and county board of education.

(2) The remaining balance of the twenty-seven million two hundred eighty-eight thousand three hundred fifty-four dollars (\$27,288,354) shall be allocated and distributed to city and county boards of education, pro rata, on

the basis of teacher units as determined in accordance with the minimum school program for the school year 1976-77.

(3) From the total funds received by Mobile County, pursuant to this Act, \$500,000 shall be earmarked for capital improvements, including new buildings, for education purposes at Mt. Vernon.

(b) For each of the fiscal years ending September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984, twenty-seven million two hundred eighty-eight thousand three hundred fifty-four dollars (\$27,288,354) shall be allocated and distributed by the Board to the city and county boards of education in accordance with subparagraph (a) (2) of this section.

(c) The state board of education shall determine the order of priorities but such priorities shall meet the directives and amounts herein set forth.

(d) For each of the fiscal years ending September 30, 1980; September 30, 1981; September 30, 1982; September 30, 1983; and September 30, 1984, five million two hundred nineteen thousand thirty-two dollars (\$5,219,032) to vocational-technical institutes to be distributed by the Board as follows:

|   |                 |
|---|-----------------|
| 1. Alabama Aviation and Technical College, Ozark              | ..... \$200,917 |
| 2. Alabama Technical College, Gadsden                         | ..... 302,603   |
| 3. Atmore State Technical Institute                           | ..... 104,717   |
| 4. Harry M. Ayers State Technical College, Anniston           | ..... 137,552   |
| 5. Bessemer State Technical College                           | ..... 308,832   |
| 6. John C. Calhoun State Com. Col. (Tech. Branch)             | ..... 223,081   |
| 7. Carver State Tech. Institute, Mobile                       | ..... 88,743    |
| 8. J. F. Drake State Tech. Col., Huntsville                   | ..... 317,715   |
| 9. C. A. Fredd State Tech. Col., Tuscaloosa                   | ..... 88,743    |
| 10. Gadsden State Technical Institute, Gadsden                | ..... 93,677    |
| 11. Richmond P. Hobson State Tech. College, Thomasville       | .. 117,743      |
| 12. J. F. Ingram State Tech. Institute, Deatsville            | ..... 181,941   |
| 13. Theodore A. Lawson State Com. Col. (Tech.),<br>Birmingham | ..... 211,652   |
| 14. Douglas MacArthur State Tech. College, Opp                | ..... 215,091   |
| 15. Muscle Shoals Tech. Institute, Muscle Shoals              | ..... 189,599   |
| 16. Northwest Ala. State Tech. College, Hamilton              | ..... 147,423   |
| 17. N. F. Nunnelley State Tech. College, Childersburg         | ..... 212,200   |
| 18. Opelika State Technical College                           | ..... 179,039   |
| 19. John M. Patterson State Tech. College, Montgomery         | .... 305,213    |
| 20. Ed E. Reid State Tech. College, Evergreen                 | ..... 88,743    |
| 21. Shelton State Tech. College, Tuscaloosa                   | ..... 181,353   |

|     |  |                    |
|-----|--|--------------------|
| 22. | Southwest State Tech. College, Mobile .....            | 266,167            |
| 23. | Chauncey Sparks State Tech. College (Eufaula) .....    | 92,363             |
| 24. | Councill Trenholm State Tech. College, (Montgomery) .. | 109,820            |
| 25. | Walker State Tech. School, Sumiton .....               | 177,486            |
| 26. | George C. Wallace Tech. Div. (Dothan) .....            | 240,715            |
| 27. | George C. Wallace Tech. Div. (Hanceville) .....        | 94,848             |
| 28. | George C. Wallace Tech. Div., Selma .....              | 169,064            |
| 29. | Regional Technical Institute, Birmingham .....         | 65,720             |
| 30. | Talladega Adult Blind & Deaf Training Center .....     | 106,272            |
|     |  | <u>\$5,219,032</u> |

(e) For each of the fiscal years ending September 30, 1980; September 30, 1981; September 30, 1982; September 30, 1983; and September 30, 1984, three million ninety-two thousand six hundred fourteen dollars (\$3,092,614) to the junior colleges to be distributed by the Board as follows:

|     |   |         |
|-----|---|---------|
| 1.  | Alexander City State Junior College .....                       | 222,967 |
| 2.  | S. D. Bishop State Junior College, Mobile .....                 | 230,067 |
| 3.  | Brewer State Junior College, Fayette .....                      | 110,929 |
| 4.  | John C. Calhoun State Community College, Decatur ....           | 110,929 |
| 5.  | Chattahoochee Valley State Junior College,<br>Phenix City ..... | 110,929 |
| 6.  | Jefferson Davis State Junior College, Brewton .....             | 110,929 |
| 7.  | Enterprise State Junior College, Enterprise .....               | 110,929 |
| 8.  | James H. Faulkner State Junior College, Bay Minette ..          | 139,770 |
| 9.  | Gadsden State Junior College, Gadsden .....                     | 240,733 |
| 10. | Patrick Henry State Junior College, Monroeville .....           | 110,929 |
| 11. | Jefferson State Junior College, Birmingham .....                | 298,963 |
| 12. | Theodore A. Lawson State Comm. College,<br>Birmingham .....     | 200,892 |
| 13. | Northeast Alabama State Junior College, Rainsville ....         | 110,929 |
| 14. | Northwest Alabama State Junior College,<br>Phil Campbell .....  | 110,929 |
| 15. | Snead State Junior College, Boaz .....                          | 139,770 |
| 16. | Southern Union Junior College, Wadley .....                     | 110,929 |
| 17. | George C. Wallace Junior College, Dothan .....                  | 110,929 |
| 18. | George C. Wallace, Hanceville .....                             | 110,929 |
| 19. | George C. Wallace Junior College, Selma .....                   | 288,304 |

|   |                    |
|---|--------------------|
| 20. Lurleen B. Wallace, Andalusia ..... | 110,929            |
|   | <u>\$3,092,614</u> |

(f) The funds allocated in subparagraphs (d) and (e) hereof shall be expended in accordance with the priorities determined by the state board of education.

(g) For each of the fiscal years ending September 30, 1980; September 30, 1981; September 30, 1982; September 30, 1983; and September 30, 1984, fourteen million four hundred fifty thousand dollars (\$14,450,000) to the senior public colleges and universities to be distributed by the Commission as follows:

(1) \$1,800,000 to the Board of Trustees of the University of Alabama to be used at its Tuscaloosa campus;

(2) \$1,800,000 to the Board of Trustees of the University of Alabama to be used at its Birmingham campus;

(3) \$800,000 to the Board of Trustees of the University of Alabama to be used at its Huntsville campus;

(4) \$1,800,000 to Auburn University;

(5) \$600,000 to Auburn University at Montgomery;

(6) \$1,200,000 to the University of South Alabama;

(7) \$700,000 to the University of Montevallo;

(8) \$900,000 to the University of North Alabama;

(9) \$850,000 to Jacksonville State University;

(10) \$600,000 to Livingston University;

(11) \$900,000 to Troy State University;

(12) \$1,000,000 to the Alabama Agricultural and Mechanical University;

(13) \$1,000,000 to the Alabama State University;

(14) \$250,000 to Athens State College;

(15) \$250,000 to the Alabama Institute for Deaf and Blind at Talladega.

(h) The funds allocated in subparagraph (g) hereof shall be allocated by the Commission in accordance with the directives and in the total amounts set forth in this Act.

(i) Each building constructed wholly or in part with any portion of the proceeds herein shall be by competitive bidding and shall be constructed pursuant to plans and specifications approved by the Technical Staff of the Building Commission, or any agency that may be designated by the Legislature as its successor, and the costs of architectural and supervisory services shall be construed to constitute construction costs.

Section 4. In the allocations of funds to the Board and Commission to meet the conditions of this Act, percentage allocations must be maintained to the total amounts appropriated for the elementary-secondary, vocational-technical, junior college, and senior colleges and universities.

Section 5. Severability. In the event any section, sentence, clause or provision of this Act shall be declared invalid by a court of competent jurisdiction, that action shall not affect the validity of the remaining sections, sentences, clauses or provisions of this Act, which shall continue effective.

Section 6. Repealer. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. Effective Date. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

On motion of Mr. Peden, said amendment was laid on the table.

Yeas 17; Nays 8.

*Yeas:*

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Goodwin, King, McDonald (A), Peden, Powell, Proctor, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—17

*Nays:*

Messrs. Foshee, Gilmore, Little, McDonald (S), McMillan, Noonan, Owen, Perloff.

—8

And said substitute was then adopted by the Senate.

Yeas 23; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Foshee, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—23

*Nays:*

—0

Mr. Noonan offered the following amendment to the Bill, S. B. 783, as amended by the substitute, to-wit:

#### AMENDMENT TO S. B. 783, AS SUBSTITUTED

On page 4, line 16, add the following new subsection:

(5) In addition to the amounts allocated in subsections (1) and (2) above, an additional four hundred thousand dollars (\$400,000) shall be allocated to the Board of School Commissioners of Mobile County.

Which was adopted.

Yeas 13; Nays 4.

*Yeas:*

Messrs. Adams, Ellis, Fine, Goodwin, King, McMillan, Mims, Noonan, Owen, Perloff, Perry, Roberts, Shelby.

—13

*Nays:* Messrs. Peden, Powell, Teague, Waldrop.

—4

And said Bill, S. B. 783, as thus amended by the substitute was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine Foshee, Goodwin, Higginbotham, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Waldrop.

—27

*Nays:*

—0

Mr. Peden moved that the Senate reconsider the vote by which the Bill, S. B. 783, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

Mr. Waldrop requested and received unanimous consent to have his name as well as those of Messrs. Baker, Stewart and Teague added as co-sponsors of the above Bill, S. B. 783.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of the University of South Alabama.

Respectfully submitted,

HENRY B. STEAGALL, II.,  
Executive Secretary.

Done this 11th day of April, 1978.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Mayer Mitchell, Mobile, Alabama, as a member on the Board of Trustees of the University of South Alabama for the term expiring September 30, 1985.

Respectfully,

GEORGE C. WALLACE,  
Governor.

Done this 11th day of April, 1978.

## GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of the University of South Alabama, was read and referred to the Standing Committee on Rules.

## MOTION TO RECESS LOST

At 3:55 P.M., Mr. Perry moved that the Senate take a recess until 4:30 this afternoon, which motion was lost.

Yeas 7; Nays 18.

*Yeas:*

Messrs. Adams, Higginbotham, Noonan, Perloff, Goodwin, McMillan, Perry.

—7

*Nays:*

Messrs. Baker, Clemon, Edwards, Ellis, Foshee, Gilmore, King, Little, Pearson, Peden, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Waldrop.

—18

## RESOLUTION

Mr. Waldrop offered the following Senate Joint Resolution, to-wit:

S. J. R. 438. HONORING MAYOR W. R. SMITH OF RAINBOW CITY, ALABAMA.

WHEREAS, Mayor W. R. Smith of Rainbow City, in Etowah County, Alabama, was honored recently by members of the City Council following the regularly scheduled meeting of the Council on March 27, 1978; the occasion was the Mayor's 80th birthday and many Rainbow City citizens were on hand to help celebrate at the surprise party hosted by the Council; and

WHEREAS, W. R. Smith is the first and only elected mayor since Rainbow City was incorporated in 1950 and he has served continuously since that time with the exception of some 16 months following his resignation to avoid loss of retirement benefits; when the law was changed to permit higher earnings, Mayor Smith ran again for the post and was elected, replacing the interim mayor who had served by appointment; and

WHEREAS, prior to coming to Rainbow City to open a grocery business, W. R. Smith was former police chief of the Fort Payne Police Department and served as deputy, then sheriff of DeKalb County for two terms; and

WHEREAS, Rainbow City has greatly prospered under Mayor Smith's leadership and guidance; its population has grown from 627 in 1950 to its present 5,268, with like growth in all areas for Rainbow City and its citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH



HOUSES THEREOF CONCURRING, That we indeed honor Mayor W. R. Smith for outstanding service as Mayor of Rainbow City, Alabama; we also offer congratulations on his becoming 80 years young and direct that he receive a copy of this resolution as a token of our admiration and esteem.

Which was read and referred to the Standing Committee on Rules.

#### FURTHER CONSIDERATION OF S. B. 760

The Senate proceeded to further consideration of the Bill, S. B. 760, as amended.

On motion of Mr. Baker, the Senate reconsidered the vote by which the Bill, S. B. 760, as amended, was ordered to its third reading.

Mr. Baker then offered the following substitute for the Bill, S. B. 760, as amended, to-wit:

#### SUBSTITUTE FOR S. B. 760, AS AMENDED

##### A BILL TO BE ENTITLED AN ACT

To propose an amendment to the Constitution of Alabama to provide a single retirement system for all public officers and employees.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

#### PROPOSED AMENDMENT

There is established a single retirement system for all public officers and employees to be known as the public officers' and employees' retirement system. Such retirement system shall be the only retirement system for all future employees, teachers, elected or appointed officers, judges, or any other employees or officers, of the state. The Legislature may also provide for officers and employees of cities or counties to participate in said retirement system.

The public officers' and employees' retirement system shall be based on and operate under the existing provisions of the state employees' retirement system and teachers' retirement system and shall apply in the same manner and under the same conditions to all public officers and employees appointed, elected or employed after the ratification of this Constitutional Amendment. The public officers' and employees' retirement system shall cover all public officers and employees employed, elected or appointed after the adoption of this amendment except that a county or municipality may elect to join the system in the same manner as under current law. The legislature may provide for the orderly transfer of all presently existing public retirement systems and funds to the public officers' and employees' retirement system provided herein provided, however, that current retirees, officers or employees shall suffer no loss of benefits now provided for them under existing laws. The public officers' and employees' retirement system provided for herein shall be governed by a board of control which shall be composed of the present boards of the existing state employees' and the teachers' retirement systems unless the legislature should make other provisions for a governing board.

No increase in benefits, except cost of living increases, lessening of requirements or age of qualification or reduction in employee contribution under the public officers' and employees' retirement system shall be made except after enactment by the legislature and approval at a referendum election held for such purpose. No public officer or employee employed, elected or appointed after the adoption of this amendment shall be entitled to any other State retirement or pension benefit except as provided under the public officers' and employees' retirement system and any monetary benefit for supernumerary, consultant or advisory services not based on actual services rendered is expressly prohibited as to such officers and employees.

The legislature shall appropriate annually such funds as are necessary to keep the retirement system fund actuarially sound. No money in the retirement fund shall be borrowed, appropriated, or diverted for the current operations of any state agency or program nor shall any annual appropriation to said fund be delayed or deferred in any manner.

This amendment shall not apply to any employee, teacher, elected or appointed officer, or judge, who is employed or holding office on the date this amendment becomes effective.

Section 2. An election upon the proposed amendment is ordered to be held on the third Tuesday in September, 1978. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Which was adopted.

Yeas 25; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Goodwin, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—25

*Nay:* Mr. Wilson.

—1

And said Bill, S. B. 760, as thus amended by the substitute, was read a third time at length as required by the Constitution, and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 2.

Abstaining 1.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Foshee, Gilmore, Goodwin,

Higginbotham, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Proctor, St. John, Shelby, Teague, Vacca, Waldrop.

—25

*Nays:* Messrs. Fine and Powell.

—2

*Abstaining:* Mr. Adams.

—1

Mr. Baker moved that the Senate reconsider the vote by which the Bill, S. B. 760, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 335. To amend Section 40-9-1, Code of Alabama 1975, so as to exempt from ad valorem taxation all property owned by Loyal Order of Moose or lodge thereof, provided such property is used and occupied exclusively by such organization.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Peden, perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—29

*Nays:*

—0

Mr. Goodwin moved that the Senate reconsider the vote by which the Bill, S. B. 335, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Bill:

S. 387. To appropriate from the Special Educational Trust Fund the sum of \$10,000,000.00 for the fiscal year ending September 30, 1979, to finance certain capital improvements at Alabama Agricultural and Mechanical University in Huntsville, Alabama.

was taken up.

Mr. King offered the following amendment to the Bill, S. B. 387, to-wit:

#### AMENDMENT TO S. B. 387

Amend Senate Bill No. 387 Page 1 Line 25, by striking out section 1 in its entirety and inserting in lieu thereof the following:

Section 1. There is hereby appropriated from the Special Educational Trust Fund for the fiscal year ending September 30, 1979, to Alabama Agricultural and Mechanical University in Huntsville, Alabama, the sum of \$5,000,000.00 up to 20% of the funds herein appropriated for any project as herein specified may be shifted to any other project herein specified as the need to do so arises.

Which was adopted.

Yeas 27; Nays 3.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Higginbotham, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca.

—27

*Nays:* Messrs. Proctor, Teague, Waldrop.

—3

Mr. Powell offered the following substitute for the Bill, S. B. 387, as amended, to-wit:

#### SUBSTITUTE FOR SENATE BILL 387, AS AMENDED

##### A BILL TO BE ENTITLED AN ACT

To appropriate from the Special Educational Trust Fund the sum of \$10,000,000.00 for the fiscal year ending September 30, 1979, to finance certain capital improvements at Alabama Agricultural and Mechanical University in Huntsville, Alabama, and Alabama State University in Montgomery, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from the Special Educational Trust Fund for the fiscal year ending September 30, 1979, to Alabama Agricultural and Mechanical University in Huntsville, Alabama, the sum of \$5,000,000.00 for constructing, equipping buildings and for land acquisition.

Section 2. There is hereby appropriated from the Special Educational Trust Fund for the fiscal year ending September 30, 1979, to Alabama State University in Montgomery, Alabama, the sum of \$5,000,000.00 for constructing, equipping buildings, and for land acquisition.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 29; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—29

*Nays:*

—0

And said Bill, S. B. 387, as thus amended by the substitute, was read a

third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Higginbotham, King, Little, McDonald (A), McMillan, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop.

—26

*Nays:*

—0

The Bill:

S. 622. To exempt the Kidney Foundation of Alabama, Inc., from the payment of all state, county and municipal sales and use taxes.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Higginbotham, King, Little, McMillan, Mims, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop.

—24

*Nays:*

—0

The Bill:

S. 645. To amend Section 12-17-61(4) of the 1975 Code of Alabama; to reduce the number of District Judges in Jefferson County from 12 to 11 District Judges; to repeal all laws in conflict herewith; to provide the effective date during which said reduction in District Judgeships from 12 to 11 in Jefferson County shall be effective; and to provide the effective date for this Act.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 645, to-wit:

#### SUBSTITUTE FOR S. 645

#### A BILL TO BE ENTITLED AN ACT

To amend Section 12-17-61 of the 1975 Code of Alabama; to reduce the number of District Judges in Jefferson County from 12 to 11 District Judges; to repeal all laws in conflict herewith; to provide the effective date during which said reduction in District Judgeships from 12 to 11 in Jefferson County shall be effective; and to provide the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-17-61 of the 1975 Code of Alabama is hereby amended to read as follows:

"§ 12-17-61. Each county shall constitute a district and shall have one resident district judge, except that:

"(1) Baldwin, Madison, Etowah, Morgan, Talladega and Walker Counties shall each have two resident district judges.

"(2) Montgomery County shall have three resident district judges.

"(3) Mobile County shall have four resident district judges.

"(4) Jefferson County shall have 12 11 resident district judges, who shall be nominated and elected in the manner provided by law for the nomination and election of circuit judges in the county. Three of such district judges shall serve in the Bessemer division and nine eight shall serve in the Birmingham division.

"(5) Calhoun and Cleburne Counties shall constitute a district and shall have three resident district judges who shall be elected and run at large from both counties.

"(6) Coosa and Clay counties shall constitute a district and shall have one resident district judge who shall be elected and run at large from both counties."

Section 2. The reduction in the number of District Judges in Jefferson County from 12 to 11 resident District Judges, as herein provided, shall not be effective during the term of any incumbent District Judge, but shall become effective at the time of the first vacancy, for whatever cause, of any of the District Judgeships serving in the Birmingham Division of said county. If no vacancy occurs prior to the next general election which said judgeships are to be filled, then the District Judge No. 12 in said county shall be abolished at the end of the term of the incumbent District Judge No. 12, and only 11 resident District Judges shall be elected at said general election when the offices of the resident District Judges are to be filled.

Section 3. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Little, McDonald (S), McMillan, Noonan, Owen, Pearson, Perloff, Powell, Proctor, Roberts, St. John, Stewart, Teague, Vacca.

—25

*Nays:*

—0

And said Bill, S. B. 645, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Little, McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop.

—25

*Nays:*

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate bill:

S. 713. Relating to Calhoun County; to provide for the salaries of certain officials of the county to become effective upon the expiration of the present terms of office of the incumbent officeholders, and to provide an expense allowance for the probate judge's office, tax assessor's office and tax collector's office, which will terminate upon the expiration of the present term of office of the probate judge, tax assessor and tax collector.

And the Speaker of the House has appointed as a Committee on the part of the House Messrs. Merrill, Holmes (D) and Shelton.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Hines (with notice and proof):

H. 1147. Relating to Escambia County; to provide for the compensation of the sheriff of said county.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1147, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Hines (with notice and proof):

H. 1145. Relating to Escambia County; to provide for the compensa-

tion of the sheriff and all deputies sheriff other than the chief deputy sheriff in such county.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1145, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

By Mr. Hines (with notice and proof):

H. 1146. Relating to Escambia County; to amend further Act No. 411, H. 742, 1963 Regular Session (Acts 1963, p. 912), as amended, which act creates a county governing body for Escambia County, so as to authorize the governing body to establish a personnel board for the county and to prescribe the powers, duties and compensation of any such board; and to repeal Act 497, H. 1149 of the 1977 Legislature of Alabama (1977 Acts, p. 648) entitled, "An Act To provide for the establishment of a merit system for certain counties and municipal law enforcement officers in Escambia County, Alabama, and a merit system board governing the removal and official conduct of such officers; defining violations of the act; imposing penalties for violations; and repealing conflicting laws."

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1146, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1147, 1145, and 1146. To the Committee on Local Legislation No. 1.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 601. To provide salary increases for certain state employees, and to appropriate funds therefor.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 2.

*Yeas:*

Messrs. Adams, Clemon, Ellis, Fine, Foshee, Higginbotham, King, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Wilson.

—22

*Nays:* Messrs. Baker, Edwards.

—2



The Bill:

S. 284. To provide protection to certain corporate citizens or residents of Alabama, their shareholders and employees and the public against takeover offers which do not provide full and fair disclosure of all material information, which do not provide adequate time for consideration or which are based upon unfair or inequitable terms; to prescribe regulations to insure such protection; to provide for enforcement of such regulations; to prescribe penalty for violation of such regulations and to provide for review of certain takeovers by the Alabama Supreme Court.

was taken up.

Mr. Baker offered the following amendment to the Bill, S. B. 284, to-wit:

#### AMENDMENT TO S. B. 284

Amend Senate Bill No. 284 Page 2 Line 10, by striking out after the word "Alabama", the word "Supreme" and,

after the word "Court," strike the "." and insert the words "of civil appeals."

Also, on page 10, line 16, delete the word "Supreme" and, on the same line after the word "Court" insert the words "of Civil Appeals."

Also on page 10, line 20 delete the word "Supreme" and after the word "Court" insert the words "of Civil Appeals."

Also, on page 6 lines 9 and 13, delete the word "twenty" and substitute therefor the word "thirty."

Amend Senate Bill 284 by deleting the period at the end of line 13 on page 14 at the end of Section 17 of the bill and inserting the following:

"; or (e) If the target company is an insurer and the takeover offer is subject to approval by the Commissioner of Insurance as provided in Sections 27-20-1 et seq. of the Code of Alabama 1975."

Which was adopted.

Yeas 23; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Peden, Perloff, Powell, Roberts, St. John, Teague.

—23

*Nays:*

—0

And said Bill, S. B. 284, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A),

McDonald (S), Mims, Noonan, Owen, Peden, Proctor, Roberts, St. John, Stewart, Teague, Wilson.

—25

*Nays:*

—0

The Bill:

S. 107. Relating to presidential preference primary elections; to provide for the time and manner of holding such elections; to provide for qualifying petitions and fees and the method of allotting and naming delegates; to make the provisions hereof apply to vice presidential candidates at the election of the party; to prescribe the duties of the secretary of state, party officials and candidates with respect to the primary; to amend Code of Alabama 1975, Section 17-16-6; and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Goodwin, Higginbotham, King, Little, McDonald (S), McMillan, Mims, Noonan, Owen, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 659. To appropriate \$1,200,000.00 from the Special Educational Trust Fund to the Alabama Institute for the Deaf and Blind for capital outlay purposes for the fiscal year ending September 30, 1979.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Powell, Proctor, Roberts, St. John, Shelby, Teague, Waldrop.

—24

*Nays:*

—0

(Mr. Teague requested and received unanimous consent that the names of Messrs. Bank, Ellis, and Fine be added as co-sponsors of the above Bill, S. B. 659.)

The Bill:

S. 660. To appropriate \$570,000.00 from the Special Educational Trust Fund to the Adult Department of the Alabama Institute for Deaf and Blind for the construction, erection, maintenance and equipping of a sheltered workshop for the deaf and severely handicapped for the fiscal year ending September 30, 1979.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 31; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Waldrop.

—31

*Nays:*

—0

(Mr. Teague requested and received unanimous consent that the names of Messrs. Bank, Ellis, and Fine be added as co-sponsors of the above Bill, S. B. 660.)

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Pegues, White, Falkenburg, Killian and Campbell:

H. 274. To permit Medical Services Administration of Alabama, the single State agency charged with responsibility for administering the Alabama Medicaid Program, to contract with fiscal intermediaries for the Medicaid Program for a period not to exceed three years, to require such contracts to comply in all other respects with the Alabama competitive bid law, and to repeal all statutes in conflict therewith.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 274. To the Committee on Rules.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 539. Relating to Houston County; to prescribe the composition of the hospital board of said county; to ratify and confirm all previous acts of said board in approving and authorizing the sale of bonds for financing hospitals in said county and to provide for supplemental effect.

Also:

S. 253. To amend further Act No. 2141, H. 2561, 1971 Regular Session (Acts 1971, p. 3431), entitled, "An Act To provide for and prescribe the form of government of all cities having populations of not less than 35,000 nor more than 37,000," so as to provide further for the disclosure of campaign contributions and expenditures made in relation to city elections; and to remedy a possible defect in the title of said Act.

Also:

S. 599. Relating to Crenshaw County; to provide an additional monthly salary allowance for the members of the county commission, effective beginning with the next term of office.

Also:

S. 602. Relating to Crenshaw County; providing for an increase in the pay of the members of the board of equalization.

Also:

S. 676. Relating to Monroe County; providing additional expense allowances for members of the board of education.

Also:

S. 677. To authorize the Presiding Circuit Judge of the 35th Judicial Circuit to withdraw a certain amount from the Solicitor's Funds which comprise such Circuit to be used for the effective administration of justice.

Also:

S. 711. Relating to Marshall County; to provide that the salary commission of the county shall set the salaries and compensation of the members and employees of the board of registrars to be paid from county funds.

Also:

S. 723. Relating to the Thirty-Sixth Judicial Circuit; to provide for the assessment and collection of an additional filing fee on each district and circuit court case filed with the clerk's office in the Thirty-Sixth Judicial Circuit to be used to establish and maintain a law library in said circuit and to establish, maintain and operate a historical commission in Lawrence County.

Also:

S. 726. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Russellville, in Franklin County.

Also:

S. 727. To repeal Act No. 494, S. 927, approved August 26, 1971, Regular Session 1971 (Acts 1971, p. 1207), entitled, "An Act Relating to counties having a population of not less than 23,900 nor more than 24,450, fixing the fee for issuance of a pistol permit by the sheriffs in such counties and providing for the distribution and use of such fees."

Also:

S. 728. Relating to Franklin County; to provide for the fee for the issuance of pistol permits by the sheriff and for the disposition of such fee.

U. W. CLEMON,  
Chairman.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 112. To permit the Department of Public Safety to charge for the cost of providing goods and services furnished upon request and permit the retention of such funds in the Department's current operating budget.

was taken up.

On motion of Mr. Baker, further consideration of the Bill, S. B. 112, was postponed temporarily.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 370. Relating to Alabama's forestry program; creating the Forestry Study Committee; establishing the membership and prescribing their powers, duties and authority; setting certain guidelines for the operation of the committee; and making an appropriation from the general fund of the state treasury for the fiscal year ending September 30, 1978.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Owen, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 370, the title of which is set out in the foregoing Message from the House, to-wit:

### AMENDMENT TO S. B. 370

### A BILL TO BE ENTITLED AN ACT

To authorize and direct the state forester to establish a steering committee to represent rural community fire departments and to define the duties of

said committee; and to authorize the state forester to establish other committees as needed for advice in other forestry matters.

Be It Enacted by the Legislature of Alabama:

Section 1. The state forester is hereby authorized and required to create a steering committee to represent rural community fire departments.

Section 2. The steering committee shall make recommendations to the state forester regarding how to improve the rural community fire program and how to solve immediate problems including parts exchange, training and financial assistance through federal grants.

Section 3. Said steering committee shall be composed of twelve members; one from each of the ten administrative districts of the Alabama Forestry Commission, one member from the Alabama Association of Fire Chiefs, and one member from the Alabama Firemen's Association. The President of the Alabama Association of Fire Chiefs shall appoint one member of his association to serve on the committee and the President of the Alabama Firemen's Association shall appoint a member of his association to serve on the committee. The State Forester shall appoint the remaining committee members from each administrative district of the Alabama Forestry Commission, with each such member being a volunteer fireman. All members shall serve at the pleasure of their appointing authority. Vacancies on the committee shall be filled by the same appointing authority who appointed the vacating member.

Section 4. The committee shall meet semi-annually, with the members of the committee setting the date. The State Forester shall have the authority to call special meetings. A majority of members shall constitute a quorum.

Section 5. Members of the committee shall not be compensated for their services, but each shall be entitled to reimbursement for travel expenses in the same manner and amount that state employees are reimbursed. Such expenses shall be paid out of Forestry Commission funds.

Section 6. The State Forestry is further authorized to establish a committee and call meetings of such committee to advise him on general Forestry matters in Alabama. It shall consist of not more than fifteen members. Section 5 of this Act shall apply in its entirety to this committee.

Section 7. There is also hereby established the Forestry Study Committee. Such committee shall be composed of fifteen members. The Speaker of the House and the President of the Senate each shall appoint three members from the respective houses; the State Forester shall be a member and serve as Secretary; and the Governor shall appoint eight (8) members. The appointees shall represent forest land ownership, forest industries, education, other forest-related interests and other citizens whose knowledge will be valuable to the committee's work.

(a) The committee shall hold an organizational meeting at the state capitol, within ten (10) days after the appointments are made, and elect a chairman from among its members. Thereafter, the committee shall meet on the call of the chairman or a majority of its members and shall adopt its own rules of procedure for the conduct and transaction of business.

(b) The duty of the committee shall be to make a complete study and needs assessment of all facets of the Alabama Forestry program, including but not limited to:

(1) problems related to forest fires, their occurrences, causes, acreage burned, damages, and whether legally or illegally set; (2) fire prevention and control in the state forests, the adequacy of prevention, detection, reporting, suppression and law enforcement measures; (3) resource management practices and industrial development related to the Forestry program; and (4) the effects and impact of both state and federal environmental legislation and regulations on Forestry practices and landowner prerogatives and options.

(c) Non-legislative members shall be entitled to per diem and travel expenses, now provided by law, for each day of actual attendance at committee meetings; legislative members shall be entitled to their regular legislative compensation, per diem and travel expenses for each day of actual attendance at committee meetings, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session.

(d) There is hereby appropriated the sum of ten thousand (\$10,000) from the general fund of the state treasury for the purpose of implementing the provisions of this Act. Any unspent funds of this appropriation shall revert to the general fund of the state treasury on May 31, 1980.

(e) The chairman and committee may employ such clerical, legal, technical and expert assistance as the committee may find necessary in performing its duties.

(f) The committee shall publish a report of its findings and recommendations for distribution to the public.

(g) At the conclusion of its study and evaluation, the committee shall report its findings and recommendations to the Governor, Lt. Governor, and Speaker of the House on the 15th day of January, 1979. Upon submission of the final report the committee shall be discharged and stand dissolved.

Section 8. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Yeas 21; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Foshee, Gilmore, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Peden, Perloff, St. John, Shelby, Vacca, Waldrop.

—21

*Nays:*

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## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Smith (M), Drake, Johnstone, Quarles, Glass, Mitchem, Roberts, Merrill, Moore (O), Edwards, Whatley, Trammell, Cates, Kinsey, Holmes (D), Warren, Jackson (F), Martin, Smith (B), Falkenburg, Lee, Starkey, Baker, Pegues, Ward, Crawford, Williams, Holmes (A), Wyatt, Harris, Robertson, Weeks, Shoemaker, McCulley, Plaster, Carothers, Cross, Barron, Campbell, Hopping, Hilliard, Jolly, Moore (W), Sparks, Naramore, McNair, Boles, Johnson, Reed, Harrison, Goodwin, Hill, Albright, McNees, Owens, Callahan, Shelton, Cooper, Kennedy, Hines, Sandusky, Carter, Sasser, Holley, Ford, Rich, Greer, Tucker, Smith (J), Gregg, Andrews and Langford:

H. 509. To amend Code of Alabama 1975, Section 37-1-124, providing for judicial review of proceedings on appeal from orders of the Alabama Public Service Commission.

Also:

By Messrs. Smith (M), Gregg, Drake, Johnstone, Quarles, Mitchem, Glass, Merrill, Roberts, Moore (O), Edwards, Whatley, Trammell, Cates, Kinsey, Holmes (D), Warren, Jackson (F), Martin, Falkenburg, Lee, Starkey, Pegues, Ward, Baker, Crawford, Williams, Holmes (A), Wyatt, Harris, Robertson, Weeks, Shoemaker, McCulley, Plaster, Carothers, Cross, Barron, Campbell, Hopping, Hilliard, Jolly, Moore (W), Sparks, Naramore, McNair, Boles, Johnson, Reed, Harrison, Goodwin, Hill, Albright, McNees, Owens, Callahan, Shelton, Cooper, Kennedy, Hines, Sandusky, Carter, Sasser, Holley, Ford, Rich, Greer, Tucker, Smith (J), Andrews and Langford:

H. 510. To provide the procedure and conditions under which any utility or telephone company regulated by the Alabama Public Service Commission may increase or decrease any customer's billing for intrastate utility or telephone service by reason of the application of any fuel or tax rate, clause or rider on and after the effective date of this Act.

Also:

By Messrs. Smith (M), Gregg, Drake, Johnstone, Quarles, Glass, Merrill, Roberts, Mitchem, Moore (O), Trammell, Cates, Kinsey, Holmes (D), Warren, Jackson (F), Martin, Smith (B), Falkenburg, Lee, Starkey, Hopping, Pegues, Ward, Baker, Crawford, Williams, Holmes (A), Wyatt, Robertson, Weeks, Shoemaker, McCulley, Plaster, Carothers, Cross, Barron, Campbell, Hilliard, Jolly, Moore (W), Sparks, Naramore, McNair, Boles, Johnson, Reed, Harrison, Goodwin, Hill, Albright, McNees, Owens, Callahan, Shelton, Cooper, Kennedy, Hines, Sandusky, Carter, Sasser, Holley, Ford, Rich, Greer, Tucker, Smith (J), Andrews and Langford:

H. 511. To require refunds or repayment to customers by the affected utility or telephone company of any utility or telephone rates or charges judicially held to be excessive.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:



H. B.'s 509, 510, and 511. To the Committee on State Government.

### BILL RECONSIDERED

On motion of Mr. Pearson, the Senate reconsidered the vote by which the Bill, S. B. 645, as amended, was passed.

On motion of Mr. Pearson, the Senate reconsidered the vote by which the Bill, S. B. 645, as amended, was ordered to its third reading.

Mr. Pearson then offered the following amendment to the Bill, S. B. 645, as amended, to-wit:

### AMENDMENT TO S. B. 645, AS AMENDED

Amend Substitute for S. 645 on Page 2, Line 26 by striking out the figure "12" after the words "Judge No., and inserting therein the following figure "8" and on page 2, Line 28 striking out the figure 12 after the words "Judge No., and inserting therein the figure "8".

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, Shelby, Stewart, Teague, Waldrop.

—25

*Nays:*

—0

And said Bill, S. B. 645, as thus amended, was again read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 31; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Waldrop, Wilson.

—31

*Nays:*

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### ADJOURNMENT

At 5:20 P.M., on motion of Mr. Pearson, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Wednesday, April 12, 1978, at 9 o'clock A.M.

Yeas 18; Nays 13.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Fine, Gilmore, McDonald (S), Mims, Owen, Pearson, Peden, Perloff, Proctor, Roberts, Shelby, Teague, Waldrop, Wilson.

—18

*Nays:*

Messrs. Adams, Ellis, Goodwin, Higginbotham, Little, McDonald (A), McMillan, Mitchell, Noonan, Perry, Powell, Stewart, Vacca.

—13

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## TWENTY-EIGHTH LEGISLATIVE DAY

WEDNESDAY, APRIL 12, 1978

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

### PRAYER

The Session was opened with prayer by the Reverend Stephen E. Vickers, Assistant Minister, Evangel Temple, Montgomery, Alabama.

### ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—35

### JOURNAL

On motion of Mr. Little, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

### REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-seventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

U. W. CLEMON,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. Clemon, the foregoing report was concurred in and the Journal of the Senate for the Twenty-seventh Legislative Day was approved by the Senate.

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 439.

The following shall be the continuing and paramount order of business upon reaching bills on third reading for the 28th legislative day only:

Uncontested local bills and all bills naming buildings for individuals that are uncontested, and

|           |                          |
|-----------|--------------------------|
| S. B. 4   | Constitutional Amendment |
| S. B. 378 | Voter Registration       |
| S. B. 608 | Public employees         |
| S. B. 647 | Define term              |
| S. B. 500 | Products liability       |
| S. B. 725 | Liquified gas            |

On motion of Mr. Clemon, said Resolution was adopted by the Senate.

## UNANIMOUS CONSENT GRANTED

Mr. Owen requested and received unanimous consent that Senate Rule 50(1), requiring all bills relating to money to be referred to the Standing Committee on Finance and Taxation, be waived for the balance of the session, and that any such bills received from the House may be referred to other Committees.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Messrs. Merrill and Robertson:

H. 171. To provide salary increases for certain State Employees and to appropriate funds therefor.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 171. To the Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 426. To propose and provide for the submission of an amendment to the Constitution of Alabama relating to Mobile County for the purpose of granting limited local self-government or certain home rule powers to said county.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Roberts, the Senate non-concurred in the following House amendment to the Bill, S. B. 426, the title of which is set out in the foregoing Message from the House, to-wit:

## HOUSE SUBSTITUTE FOR S. B. 426

A BILL  
TO BE ENTITLED  
AN ACT

To propose and provide for the submission of an amendment to the Constitution of Alabama relating to Mobile County for the purpose of granting limited local self-government or certain home rule powers to said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed and shall become valid as a part of the Constitution when approved and proclaimed as prescribed by law, provided that if the vote of the majority of electors in Mobile County voting in the constitutional amendment election is unfavorable to the adoption of such amendment, said amendment shall not be adopted.

## "CONSTITUTIONAL AMENDMENT"

"In addition to the powers and authority possessed by the Mobile County Commission prior to the passage and adoption of this constitutional amendment, the County Commission shall also have the following powers: the authority to pass land use and zoning ordinances and regulations involving the unincorporated areas of the County, the power to adopt traffic control ordinances involving unincorporated areas of the County, the authority to establish and fund recreational facilities and activities in unincorporated areas of the County, except that the County cannot exercise the power of eminent domain to acquire real estate for such recreational facilities and activities, and the authority to set all salaries of County employees not set by the Mobile County Personnel Board, with the exception of elected officials. The provisions of this act shall be liberally construed in favor of Mobile County and its governing body. This amendment shall be null and void unless, in the election in which this amendment is submitted to the electorate of the state for adoption, it receives, in favor of adoption, not only a majority of

the votes cast statewide but also a majority of the votes cast in Mobile County."

Section 2. An election upon the proposed Amendment is to be held concurrent with the first general election to be held after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and Chapter 17, Title 17, Code of Alabama 1975, together with any other statutes applicable thereto. Each reference herein to "the Constitution" shall be deemed to refer to the Constitution of Alabama of 1901, and all amendments thereto.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation of the Governor published in a newspaper in each county in the state once a week for four successive weeks next preceding the day herein appointed for the election, and in any county in which there may be no newspaper published the notice shall be published either (a) by posting a copy of the said proclamation at each courthouse in such county, or (b) by publication in a newspaper published in another county that is circulated in the county in which no newspaper is then published. There is hereby appropriated out of the General Fund of the state such sum as may be necessary to defray the expenses of the election.

and requested a Committee on Conference.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, McDonald (S), McMillan, Mims, Noonan, Owen, Perloff, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Roberts, Perloff, and Noonan.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Drake:

H. 795. To amend Section 6-5-127 of the Code of Alabama 1975, relating to circumstances under which manufacturing and industrial plants or establishments are not deemed nuisances after operating for one year, so as to include agricultural plants and facilities when such businesses come within the same circumstances.

Also:

By Messrs. Pegues, Falkenburg, Carter, McNees, McCluskey, Shoemaker and White:

H. 729. To make certain supplemental appropriations for the fiscal

years ending September 30 of 1978, 1979, and 1980 to the attorney general's office so that office can be eligible to obtain certain federal matching funds relative to correcting certain abuses in the state medicaid program.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 795. To the Committee on Rules.

H. B. 729. To the Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. McCluskey, Dial, Shoemaker and Shelton:

H. 1008. To prohibit the importation of coyotes with the intent of setting said animals free; setting a criminal penalty for violation.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1008. To the Committee on Rules.

#### REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. John M. Harbert, III to the Alabama Commission on Higher Education.

On motion of Mr. McDonald (S), the appointment of Mr. Harbert to the Alabama Commission on Higher Education was confirmed by the Senate.

Yeas 22; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Higginbotham, Little, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Peden, Perloff, Perry, St. John, Vacca.

—22

*Nays:*

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SPECIAL ORDER  
BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first item of which was the Bill:

S. 95. Relating to Madison County; to empower the several district commissioners on the county commission or other like governing body to authorize the opening of any grave within their district for the interment services of deceased individuals and to repeal all conflicting statutes.

And said Bill, S. B. 95, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, King, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, Shelby, Teague, Vacca, Wilson.

—25

*Nays:*

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The Bill:

S. 658. To amend Section 16 of Act No. 1728, H. 2522, Regular Session 1971 (Acts of 1971, vol. IV, P. 2889), which provides for travel and other expenses for the members of the county commission in St. Clair County, so as to further regulate such travel expense allowances.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Jones, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

S. 695. Relating to Mobile County; to provide an expense allowance for the county treasurer, payable from county funds.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Jones, King, Little, McMillan, Mims, Noonan, Owen, Perloff, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 698. To provide that procedural and substantive rights be accorded law enforcement officers of Mobile County; defining the right to counsel secured by the Sixth Amendment of the United States Constitution and procedural due process rights of hearings conducted to determine alleged misconduct of any officer; providing for access to records pertaining to fitness for duty and amendment of records pertaining to fitness for duty; providing for the processing of grievances and complaints against law enforcement officers; and providing that any law enforcement officer may bring a civil action for damages suffered while on duty in Mobile County.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, McDonald (S), McMillan, Mims, Noonan, Owen, Perloff, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

S. 699. To provide retirement benefits for elected officials in all municipalities in Mobile County and to provide for the payment of such benefits.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Jones, King, Little, McMillan, Mims, Noonan, Owen, Perloff, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 761. To further amend Section 1 of Act No. 103, H. 372, Regular Session, 1963 (Acts of Alabama 1963, p. 486) so as to further provide for the salary of the superintendent of education of Walker County.



Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

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The Bill:

S. 767. Relating to Escambia County; providing for the payment or reimbursement by said county to the members, including the chairman of the county commission, of their actual expenses incurred in the performance of their duties outside the county, including expenses incurred by them in attending conventions of the National Association of County Commissioners and the Alabama Association of County Commissioners.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, St. John, Teague, Vacca.

—25

*Nays:*

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The Bill:

S. 768. Relating to Escambia County; to provide for the compensation of the sheriff and all deputies sheriff other than the chief deputy sheriff in such county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

S. 769. Relating to Escambia County; to provide for the compensation of the sheriff of said county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Noonan, Owen, Pearson, Peden, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 770. Relating to Escambia County; to allow students of cosmetology or barbering in such county who have completed 250 hours of study in a registered school of cosmetology or barbering to work in a duly registered beauty shop or barber shop during non-school hours.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Goodwin, Jones, King, Little, Mims, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Teague, Vacca, Wilson.

—25

*Nays:*

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The Bill:

S. 771. Relating to Escambia County; to provide that the county commission of Escambia County may allocate and distribute among the several presently incorporated municipalities of Escambia County on a pro rata basis 33 1/3 percent of any oil and gas privilege tax monies which may be received by Escambia County under the authority of any general or local law enacted by the legislature of Alabama after January 1, 1978.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Goodwin, Jones, King, Little, Mims, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

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The Bill:

S. 772. Relating to Escambia County; to amend further Act No. 411, H. 742, 1963 Regular Session (Acts 1963, p. 912), as amended, which act creates a county governing body for Escambia County, so as to authorize the governing body to establish a personnel board for the county and to prescribe the powers, duties and compensation of any such board; and to repeal Act 497, H. 1149 of the 1977 Legislature of Alabama (1977 Acts, p. 648) entitled, "An Act To provide for the establishment of a merit system for certain counties and municipal law enforcement officers in Escambia County, Alabama, and a merit system board governing the removal and official conduct of such officers; defining violations of the act; imposing penalties for violations; and repealing conflicting laws."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Goodwin, Jones, King, Little, Mims, Noonan, Owen, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

S. 773. To create an Industrial Development Authority for Escambia County for the purpose of promoting industry and trade and the development of said county; to provide for the organization, powers, functions, duties and personnel of such Authority and to provide for the payment of the expenses of such Authority and for the compensation of its employees.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

S. 775. To increase the salaries of certain officials of Cullman County and to provide for the manner of their payment.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, Goodwin, Jones, King, Little, Mims, Mitchell, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 776. Relating to Cullman County; to provide for the distribution and expenditure of any payments coming into the treasury of Cullman County that are derived, directly or indirectly, from payments by the Tennessee Valley Authority in lieu of the payment of ad valorem taxes.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Goodwin, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

S. 777. Relating to Cullman County, to regulate further the compensation of the tax assessor and tax collector and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Goodwin, Jones, King, Little, Mims, Mitchell, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

S. 778. Relating to Cullman County; to regulate employment practices with regard to road employees; to establish a county road personnel board and provide for its powers, jurisdiction, duties, compensation and allowances, membership, office space, supplies, equipment and clerical assistance; to provide for examination of job applicants; to establish procedures for employment and for suspension, discharge and other disciplinary actions and to provide for appeals from such actions and from decisions of the board; to prescribe duties and powers of the county governing body and the sheriff with regard to the board; to provide penalties for certain violations; to prohibit certain activities on the part of employees; to make the effectiveness

hereof contingent upon the enactment of Senate Bill 346 of the 1978 Regular Session and its approval by the electors of the county at the referendum election provided for therein.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

S. 779. Relating to Cullman County; to authorize the county governing body to expend county funds without regard to the competitive bid law, to purchase supplies and equipment for volunteer fire departments and fire units.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

S. 780. To authorize municipalities of Walker County to elect to participate in the county civil service system and to provide for certain fees for employees of municipalities which so elect to be covered by the County merit system.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

S. 781. Relating to Walker County, to create a license-issuing division within the probate judge's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to abolish the office of county license inspector as of January 1, 1979; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and costs pursuant to such system of renewal of motor vehicle licenses by mail; to create a special fund in the county treasury to receive such additional fees and costs of renewal by mail; and to authorize the establishment of auxiliary stations within the county for the sale of motor vehicle licenses and tags or decals.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

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The Bill:

S. 782. To provide that no state penitentiary or other state correctional or penal institution shall be located within the boundaries of Walker County unless approved by a majority of the qualified electorate of the county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

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The Bill:

S. 788. Relating to St. Clair County; to require the county governing body of said county to provide for a civil service merit system for employees of the sheriff's office in said county.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, S. B. 788, to-wit:

## COMMITTEE AMENDMENT TO S. B. 788

Amend S. 788 as follows:

On Page 1 in Section 2 on line 37, add the following:

Clerk \$500 per month

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Waldrop, Wilson.

—25

*Nays:*

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And said Bill, S. B. 788, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

S. 789. Relating to Montgomery County; to provide additional compensation for the members of the Board of Registrars.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Jones, Little, Mitchell, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

S. 790. Relating to Montgomery County, Alabama; to provide that in addition to all presently existing pistol permit fees charged in said County, there is hereby levied an additional pistol permit fee in the amount of \$5.00; to provide that \$3.00 of said additional fee be paid into the County treasury for the establishment and maintenance of a fund which is hereby designated

and entitled as the "Sheriff's Fund"; to provide for the use of said Sheriff's Fund; to provide that \$1.00 of the additional fee collected shall be credited to the County's portion of contribution for Class II employees, under any retirement plan in effect in said County; the remaining \$1.00 of the additional fee collected shall be credited to the General Fund of the County; to provide for the payment of the sum of \$2.00 for the issuance of a duplicate pistol permit; \$1.00 of which shall be credited to the County's portion of contribution of Class II employees, under any retirement plan in effect in said County and the remaining \$1.00 to be credited to the General Fund of said County.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Goodwin, Jones, Little, Mitchell, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 791. Relating to Montgomery County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses; giving this act retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Goodwin, Jones, Little, Mitchell, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 796. Relating to St. Clair County, to authorize and direct the county governing body to distribute certain beer tax revenues collected pursuant to Act No. 515, H. 1028, 1969 Regular Session (Acts 1969, p. 985) to certain agencies and institutions within the county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Jones, King,



Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 794. To amend the title and Section 1 of Act No. 903, H. 1850, of the 1975 Regular Session (Acts 1975, p. 1786), entitled "An Act Relating to thirtieth judicial circuit; providing for the compensation of the clerk-secretary for the office of district attorney of said judicial circuit; and prescribing the duties of such clerk-secretary" so as to specify that said act shall only be applicable to the clerk-secretary in the Blount County office of such district attorney and to provide retroactive effect to October 8, 1975.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Jones, King, Little, McDonald (S), Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Wilson.

—25

*Nays:*

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The Bill:

S. 798. To provide for the method of compensation by placing certain officers of Macon County on a salary and fixing the amount of compensation subject to the passage, ratification and proclamation by the Governor of an amendment to the Alabama Constitution of 1901, to be effective retroactively or prospectively.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, S. B. 798, to-wit:

#### COMMITTEE SUBSTITUTE FOR S. B. 798

#### A BILL TO BE ENTITLED AN ACT

To provide for the method of compensation by placing certain officers of Macon County on a salary and fixing the amount of compensation subject to the passage, ratification and proclamation by the Governor of an amendment to the Alabama Constitution of 1901, to be effective retroactively or prospectively.

Be It Enacted By the Legislature of Alabama:

Section 1. The method of compensation of the tax collector of Macon County shall be by a salary in the amount of \$18,000, paid in equal monthly installments out of the general fund of the county treasury.

Section 2. The initial and effective date of such method and amount of compensation for said county officer of Macon County provided in Section 1 hereof, shall commence on the first day of the month next following the passage, ratification and proclamation by the Governor of approval by the electorate of an amendment to the Alabama Constitution of 1901, authorizing retroactively or prospectively such method and amount of compensation for said officers.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

And said Bill, S. B. 798, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 797. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of Macon County; and providing for provisions of the amendment to be retroactive.

Was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 522. To amend Section 16-53-3, Code of Alabama 1975, relating to the board of trustees of Livingston University, so as to further provide for the membership of such board.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Foshee, Goodwin, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 994. To name the National Guard Armory at Albertville, Alabama, the "Robert C. Davis National Guard Armory".

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, McDonald (S), Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 188. To provide for the appointment of an advisory board to advise the Alabama Historical Commission on the acquisition, maintenance, and protection of certain properties and objects of historical interest located at Fort Tombeckbee in Sumter County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Foshee, Goodwin, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 541. To name the International House at Jacksonville State University "The Clarence W. Daugette, Jr. House."

Was read a third time at length and passed.

Yeas 20; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Edwards, Fine, Foshee, Gilmore, Higginbotham, Little, McDonald (A), McDonald (S), Mims, Noonan, Owen, Peden, Perloff, Powell, Proctor, St. John, Teague, Waldrop.

—20

*Nays:*

—0

The Bill:

H. 767. To name the Fine Arts Building at Enterprise State Junior College, Coffee County, Alabama, the "B. A. Forrester Building"; unit one of said facility is already completed with two additional units scheduled for construction.

Was read a third time at length and passed.

Yeas 22; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Goodwin, Higginbotham, Little, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Peden, Proctor, St. John, Shelby, Waldrop.

—22

*Nays:*

—0

The Bill:

H. 384. To name the building now under construction at Shelton State Technical College in Tuscaloosa, Tuscaloosa County, Alabama, the "Victor Poole Learning Resources Center."

Was read a third time at length and passed.

Yeas 19; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Gilmore, Goodwin, Higginbotham, Little, McDonald (A), McDonald (S), Mitchell, Noonan, Owen, Peden, Perloff, St. John, Shelby, Waldrop.

—19

*Nays:*

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## REPORT OF COMMITTEES

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Ellis, Vacca, Wilson and Clemon (with notice and proof) (With Amendment):

S. 756. To amend Section 19 of Act No. 248 of the Regular Session of

the Legislature of 1945 (General Acts of Alabama 1945, p. 376, et seq.), to provide for the rate at which Merit System Employees shall earn annual vacation and to provide for the rate at which Merit System Employees shall earn sick leave and to also provide for the payment of earned sick leave at retirement or termination.

By Mr. Armstrong (with notice and proof) (With Amendment):

H. 631. To fix the compensation or salary of the Assistant or the Deputy Tax Collector of any branch of the Tax Collector in any county having a population of 600,000 or more according to the last Federal Census or any subsequent Federal Census, and to provide for the payment thereof.

By Mr. Armstrong (with notice and proof) (With Amendment):

H. 633. To fix the compensation or salary of the Assistant or the Deputy Tax Assessor of any branch of the Tax Assessor in any county having a population of 600,000 or more according to the last Federal Census or any subsequent Federal Census, and to provide for the payment thereof.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Boles, Armstrong and Trammell (with notice and proof):

H. 923. To amend Section 1 of Act No. 458, H. 1175, Regular Session 1975 (Acts of Alabama 1975, p. 1085) relating to the election of certain assistant county officials of Jefferson County to serve in the branch offices in the City of Bessemer so as to provide that the term of the Assistant Tax Assessor and Assistant Tax Collector shall be concurrent with the Tax Assessor and Tax Collector of the County.

By Messrs. Waggoner, Leonard and Hilliard (with notice and proof):

H. 1025. Relating to Jefferson County; authorizing all incorporated municipalities within said county to grant certain municipal ad valorem tax exemptions for up to fifteen years to owner-developers who build new commercial or industrial facilities on previously improved real property within the corporate limits of any such municipality located in said county; providing that such owner-developers receiving such exemptions shall, however, pay abatement property taxes assessed on not less than the highest value at which said property was assessed at anytime within five years prior to the grant of exemptions, and to provide for the procedures to be followed in the granting of such exemptions and in the determination of the amount of such abatement property taxes.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Biddle and Falkenburg:

H. 443. To amend Section 36-22-17 of the Code of Alabama, 1975, to provide for the disposition of all fees, commissions, percentages, allowances, charges and court costs heretofore collectible for the use of the sheriff and his deputies.

Mr. Baker, Chairman of the Standing Committee on Local Legislation

No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Reed and Folmar (with notice and proof):

H. 783. To provide further for the salary of the Sheriff of Bullock County.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Rich (with notice and proof) (With Amendment):

H. 1028. To alter or rearrange the boundary lines of the Town of Southside, Etowah County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Etowah County, Alabama.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Crowe (with notice and proof):

H. 781. Providing for purging the lists of registered voters in Walker County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

By Mr. McCluskey (with notice and proof):

H. 1002. Relating to Talladega County; to provide that the county governing body in regulating and providing for the use of voting machines in all elections in the county may, in the manner herein prescribed, divide any voting precinct of the county into territories, designate in such territory a voting center at which the qualified electors of the territory so designated may vote, and prescribe the number of voting machines to be maintained at each voting center; and to provide election officers for each voting center designated by the county governing body, prescribe the duties of such election officers, and fix their compensation.

By Mr. Langford (with notice and proof):

H. 1040. Relating to the Fifteenth Judicial Circuit: to create the office of Official Grand Jury Reporter for the Grand Juries of the Counties comprising such Circuit; to provide for the duties, powers, method of appointment and salary of such reporter.

By Messrs. Martin, Roberts, Cross and Drake (with notice and proof):

H. 1003. To amend Act No. 324, Regular Session of 1965 (Acts 1965, Regular Session p. 443), which Act establishes a Merit System for the City of Decatur, amending Section 2 of said Act so as to clarify the same regarding consultants in the exempt service by deleting the word temporary therefrom

so that the same covers positions of consultants rendering professional service; and by making provision for any of the positions in the exempt service filled by persons formerly employed in like positions with a public corporation, including The Public Park and Recreation Board of the City of Decatur, Alabama, whose function involving such positions has been transferred to the City of Decatur at a time when such employees were so employed, to be placed in the classified service upon resolution of the governing body after favorable recommendation of the board, with the resolution of the governing body to prescribe the conditions under which the employee holding such position may acquire permanent status so long as such position remains in the classified service.

By Mr. Cross:

H. 1015. To repeal Act No. 612, H. 755, Regular Session 1967 (Acts 1967, p. 1416) as amended by Act No. 1069, H. 1721, 1971 Regular Session (Acts 1971, p. 1912), which provides for the appointment and compensation of a clerk for the sheriff in counties having a population of not less than 22,550 nor more than 24,550 according to the 1960 federal decennial census, or not less than 27,000 nor more than 27,900 according to the 1970 federal decennial census.

By Messrs. Shoemaker, Moore (O) and Dial (with notice and proof):

H. 1009. Relating to Talladega County; providing for the compensation of the tax assessor and tax collector.

By Messrs. Manley and Clark (with notice and proof):

H. 1007. Relating to Hale County; to provide an optional and alternative method of assessing and paying taxes on and issuing license tags for motor vehicles in such county.

By Mr. Cross (with notice and proof):

H. 1016. Relating to Lawrence County; providing for the appointment and compensation of a clerk for the sheriff, providing retroactive effect, and repealing conflicting laws.

By Mr. Morris:

H. 1011. Relating to counties having population of not less than 33,550 nor more than 34,000 inhabitants according to the 1970 or any subsequent federal decennial census, to repeal Act No. 926, H. 893, Regular Session 1961 (Acts of 1961, p. 1485), as amended, entitled, "To regulate the compensation and allowances of members of the jury commission and the clerk of the jury commission of counties having populations of not less than 34,000 nor more than 35,500, according to the 1960 or any subsequent decennial census.

By Mr. Morris (with notice and proof):

H. 1012. Relating to Tallapoosa County; to regulate the compensation and allowances of members of the jury commission and the clerk of the jury commission.

By Messrs. Clark and Manley (with notice and proof):

H. 1079. To repeal Act No. 700, H. 1535, Regular Session 1975 (Acts 1975, p. 1466), which act provides for an expense allowance for the county

commission of any county having a population of 10,660 or less according to the 1970 or any subsequent federal decennial census.

By Messrs. Manley and Clark (with notice and proof):

H. 1078. To authorize and provide for the establishment, maintenance, equipping, operation and financing of a public law library in Hale County; and to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within the county.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Roberts and Drake (with notice and proof) (With Amendment):

H. 1101. Relating to Morgan County; levying in certain areas of such county a special county privilege license tax, paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3, and 40-23-4 of Code of Alabama 1975, as amended; providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the State Department of Revenue; prescribing penalties and fixing punishment for violation of this act.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McCluskey (with notice and proof):

H. 1098. Relating to Coosa County, providing that the Probate Judge shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for or in the process of transacting business.

By Mr. Drake (with notice and proof):

H. 1117. To increase the salaries of certain officials of Cullman County and to provide for the manner of their payment.

By Messrs. Crowe and Naramore (with notice and proof):

H. 1090. Relating to Walker County, to create a license-issuing division within the probate judge's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to abolish the office of county license inspector as of January 1, 1979; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and costs pursuant to such system of renewal of motor vehicle licenses by mail; to create a special fund in the county treasury to receive such additional fees and costs of renewal by mail; and to authorize the establishment of auxiliary stations within the county for the sale of motor vehicle licenses and tags or decals.

By Mr. Hines (with notice and proof):

H. 1141. To create an Industrial Development Authority for Escambia County for the purpose of promoting industry and trade and the development



of said county; to provide for the organization, powers, functions, duties and personnel of such Authority and to provide for the payment of the expenses of such Authority and for the compensation of its employees.

By Messrs. Drake and Sparks (with notice and proof):

H. 1120. Relating to Cullman County, to regulate further the compensation of the tax assessor and tax collector and to repeal conflicting laws.

By Mr. Hines (with notice and proof):

H. 1143. Relating to Escambia County; to allow students of cosmetology or barbering in such county who have completed 250 hours of study in a registered school of cosmetology or barbering to work in a duly registered beauty shop or barber shop during non-school hours.

By Mr. Hines (with notice and proof):

H. 1145. Relating to Escambia County; to provide for the compensation of the sheriff and all deputies sheriff other than the chief deputy sheriff in such county.

By Mr. Hines (with notice and proof):

H. 1147. Relating to Escambia County; to provide for the compensation of the sheriff of said county.

By Messrs. Clark and Manley (with notice and proof):

H. 1077. Relating to Greene County, authorizing the sale of alcoholic beverages during certain times.

By Messrs. Warren and McCorquodale (with notice and proof):

H. 1074. Relating to Monroe County; to provide that the clerk of the tax assessor's office may be employed as clerk of the Monroe County board of equalization at a monthly compensation not to exceed \$100.

By Messrs. Clark and Manley (with notice and proof):

H. 1080. Amending Section 17 of Act No. 376, H. 1040 of the 1975 Regular Session (Acts 1975, Vol. II, p. 926), relating to the Greene County Racing Commission, so as to further provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of this act.

By Messrs. Drake and Sparks (with notice and proof):

H. 1116. Relating to Cullman County; to provide additional expense allowances to certain officers.

By Mr. Crowe (with notice and proof):

H. 1091. To provide that no state penitentiary or other state correctional or penal institution shall be located within the boundaries of Walker County unless approved by a majority of the qualified electorate of the county.

By Mr. Crowe (with notice and proof):

H. 1092. To authorize municipalities of Walker County to elect to participate in the county civil service system and to provide for certain fees

for employees of municipalities which so elect to be covered by the county merit system.

By Messrs. Harris, Barron, Wyatt, Holmes (A), Plaster and Langford (with notice and proof):

H. 1044. To allow the District Attorney for the Fifteenth Judicial Circuit to initiate and conduct a Pre-Trial Diversionary Program within said circuit for first offenders who are charged or may be charged with certain offenses, and to permit the District Attorney to bring legal proceedings against diversion applicants and/or other criminal defendants on behalf of victims of crime.

By Mr. Dial (with notice and proof):

H. 1039. Relating to Cleburne County; to submit a proposition to the voters of said county relating to the days and hours the county courthouse may be open.

By Messrs. Reed and Folmar (with notice and proof):

H. 1048. Relating to Bullock County; to provide for the employment of clerks, secretaries and clerical assistants to perform duties in the County offices located in the County Courthouse and to provide for the employment of jailers for the county jail; and to provide for the salaries of all such employees.

By Mr. Smith (C) (with notice and proof):

H. 1033. Relating to the office of sheriff of Chilton County; providing further for the appointment, number, duties and compensation of deputies; providing for the furnishing of quarters, equipment and clerical help; providing for an expense allowance for the sheriff; and repealing Act No. 955, S. 929, 1975 Regular Session (1975 Acts, p. 1991), and other conflicting laws.

By Messrs. Rich and Ford (with notice and proof):

H. 1023. Relating to Etowah County; providing that the sheriff shall have a concession to sell soft drinks, cigarettes, and assorted personal items to county prisoners and state prisoners in county custody; and providing that the profits from such sales be used for law enforcement purposes.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mitchem (with notice and proof) (With Amendment):

H. 988. An act relating to the municipality of TOWN OF MOORE'S CROSSROADS to alter, re-arrange and extend its boundaries.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Warren and McCorquodale:

H. 1073. To repeal Act No. 564, H. 1321, 1977 Regular Session (Acts of 1977, p. 754), entitled "And Act Relating to all counties having a population of not less than 20,500 nor more than 21,500 according to the 1970 or any

subsequent federal decennial census; to allow the county governing body and the governing body of each municipality in the county to contribute public funds to a volunteer rescue squad."

By Messrs. Sparks and Crowe (with notice and proof):

H. 1054. Relating to Winston County; authorizing and directing the State Highway Department to maintain all county roads which serve as rural mail or school bus routes.

By Messrs. Reed (T) and Folmar (with notice and proof):

H. 1061. Relating to Bullock County; to raise the salary of the tax assessor and tax collector.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Drake, Roberts, Cross and Martin (with notice and proof) (With Amendment):

H. 1051. Relating to Morgan County; to further provide for the salaries of employees of the sheriff's department and to provide for additional employees.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Jolly and Towns (with notice and proof):

H. 1053. Providing further for registration of voters in Blount County.

By Mr. Smith (J) (with notice and proof):

H. 837. Relating to Houston County; to provide a salary from the General Fund for each County Commissioner excluding the Chairman of the Commission.

By Mr. Drake (with notice and proof):

H. 1118. Relating to Cullman County; to authorize the county governing body to expend county funds without regard to the competitive bid law, to purchase supplies and equipment for volunteer fire departments and fire units.

By Messrs. Mitchem and Kelley (with notice and proof):

H. 900. Relating to Marshall County; authorizing the county board of education to spend public school funds to provide comfortable office quarters, office furniture, office equipment, stationery, postage, forms, telephone service and supplies required by the county superintendent of education and his assistants.

By Mr. Folmar (with notice and proof):

H. 1022. This bill is for the purpose of establishing the Walnut Creek Lake Authority in Pike County, Alabama.

By Mr. Turnham (with notice and proof):

H. 688. To further amend Section 1 of Act No. 394, H. 828, Regular Session 1961 (Acts 1961, p. 406), which act relates to the employment of certain personnel for the sheriff's department of Lee County, so as to further provide for the employment of such personnel and their salaries and meal and uniform allowances.

By Mr. Owens (with notice and proof):

H. 932. To amend Section 6, Act No. 727, H. 1714 of the 1973 Regular Session (Acts 1973, Vol. II, p. 1086), which act regulates the method of compensating certain officers in Bibb County, so as to further regulate the method of compensation for the probate judge for services he renders as chairman of the county commission, and to validate such method retroactively to the effective date of the original act.

By Messrs. Carter and Moore (W) (with notice and proof):

H. 757. To authorize the Limestone County Commission to appoint a license commission for said county and to provide that such power of appointment shall include the authority to prescribe the duties, compensation and terms of the members of such commission.

By Messrs. Baker and Whatley (with notice and proof):

H. 895. To repeal Act No. 15, H. 120, 1947 Regular Session (Local Acts of 1947, p. 14), as amended, entitled "An Act To provide for the municipality of Phenix City a civil service system governing the appointment, removal, salaries, tenure, and official conduct of employees and officers of the police and fire departments of the city, defining violations of the Act, and imposing penalties for violations" and to provide that such repeal shall become effective on the date on which the governing body of said city enacts an ordinance establishing a merit system for all employees of said city.

By Mr. Naramore (with notice and proof):

H. 1020. Relating to Walker County, to further provide for the duties and authority of the chairman of the board of registrars, to provide for the appointment of deputy registrars and to prescribe the duties, authority and compensation of such deputy registrars.

By Mr. Naramore (with notice and proof):

H. 1021. Relating to Walker County; to provide an increase in the expense allowance for the county treasurer.

By Mr. Smith (J):

H. 714. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers, and the restructuring or abolition of certain offices of Geneva County.

The above Bill was read a second time at length as required by the Constitution.

By Messrs. Greer, Hill and Coburn (with notice and proof):

746. Relating to Lauderdale County; to provide that the County Superintendent of Education may maintain central offices anywhere within

the county and that such offices be used for central office space only.

By Mr. Crowe:

H. 331. Relating to the 14th judicial circuit, providing further for the salary of the secretary of the jury commission.

By Mr. Campbell:

H. 291. To repeal Act No. 361, H. 1141, Regular Session of 1973 (Acts 1973, p. 515), entitled "An Act Relating to counties having not less than 16,350 nor more than 16,650 populations according to the most recent federal decennial census; to provide an additional clerks hire allowance for the Probate Judge of such counties."

By Messrs. Baker and Whatley (with notice and proof):

H. 898. To amend further Sections 16 and 24 of Act No. 13, H. 118, 1947 Regular Session (Local Acts 1947, p. 7), as amended, which establishes for the municipality of Phenix City a pension and relief system for the benefit of firemen and policemen, so as to regulate further creditable service for such system and to further provide for insufficiencies in the pension and relief fund.

By Messrs. Langford and Wyatt (with notice and proof):

H. 969. To provide further for the mutual time exchange for members of the Fire Department of the City of Montgomery in Montgomery County, Alabama.

By Messrs. Carothers, Crawford and Smith (J) (with notice and proof):

H. 952. To amend further "The Civil Service Act of Dothan", Act No. 273, S. 292, of the 1947 Regular Session (Local Acts 1947, p. 196), in order to redefine the words, "Department Head", to include heads of newly created departments and to provide further for the abolition of departments of the city government, the consolidation of two or more of such departments into one department and the creation of new departments; to give the Personnel Board the authority to reduce the severity of disciplinary action taken by an Appointing Authority after due process and appeal before the Personnel Board when mitigating circumstances so warrant, and for such purposes amending Sections 2, 3, and 21.

By Messrs. Martin, Roberts, Cross and Drake (with notice and proof):

H. 948. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Flint City in Morgan County.

By Messrs. Holley and Folmar:

H. 944. Proposing an amendment to the Constitution of Alabama to authorize the consolidation of the offices of tax assessor and tax collector of Coffee County and the establishment of a consolidated and unified system for the assessment and collection of taxes in such county.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Owens (with notice and proof):

H. 935. Relating to Bibb County; to provide for the levy and collection

of an additional five mill ad valorem tax outside the corporate limits of the incorporated municipalities of the county for water, sewer and fire protection purposes in the affected area; and to provide for a referendum election by the electors of the county.

By Mr. Owens (with notice and proof):

H. 933. Relating to Bibb County; to further amend Act No. 866, H. 1194, Regular Session 1969 (Acts 1969, p. 1577), as amended, which act provides for compensation and expenses of the sheriff, appointment of deputies, secretaries and jailers, so as to further provide for the salaries and expense allowances of certain members of the sheriff's staff.

By Mr. Owens (with notice and proof):

H. 934. Relating to Bibb County; to authorize the county governing body of said county to pay a certain monthly expense allowance for the Secretary of the Bibb County Board of Equalization for work performed in the statewide property reappraisal program for ad valorem tax purposes.

By Messrs. Roberts, Cross, Martin and Drake (with notice and proof):

H. 976. To revise, amend and reenact Act 762, S. 610 the 1976 Regular Session (1976 Acts, p. 1046) relating to the right of the Morgan County Commission to perform work on public works so as to delete the requirement of submitting a detailed report each six months and to delete the termination date of the provisions of such act.

By Messrs. Roberts, Cross, Martin and Drake (with notice and proof):

H. 977. To authorize certain expense allowances for the members of the board of education in Morgan County.

By Messrs. Venable and Plaster (with notice and proof):

H. 980. Relating to Elmore County; to levy an excise and privilege tax on the severance of clay, sand and gravel in said county; to provide for the collection, payment, and administration of such tax; and to provide for the disposition of the proceeds from such tax.

By Mr. Clark (with notice and proof):

H. 950. Relating to Tuscaloosa County; to further regulate the hours and times that alcoholic beverages may be sold, served, or given away in public places.

By Messrs. Martin, Roberts, Cross and Drake (with notice and proof):

H. 949. To alter and rearrange the boundaries of the town of Trinity in Morgan County, so as to include certain territory in the corporate limits of the town.

By Mr. Sonnier (with notice and proof):

H. 970. Relating to Mobile County, to allow the sale of wines at retail at any time except Sundays, and to make the covering of table wines on Sundays optional.

By Messrs. Merrill, Quarles, Shelton and Holmes (D) (with notice and proof):

H. 987. Relating to the offices of the tax assessor, tax collector, license commissioner, probate judge and coroner in Calhoun County; to authorize

the tax assessor to appoint a deputy assessor; to authorize the tax collector to appoint a deputy tax collector; to authorize the license commissioner to appoint a deputy license commissioner; to authorize the probate judge to appoint a deputy probate judge; to authorize the coroner to appoint a deputy coroner; to establish the duties of such deputies; and to prescribe the respective salaries to be fixed by the county commission.

By Mr. Campbell (with notice and proof):

H. 996. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Pennington, in Choctaw County.

By Mr. McCluskey (with notice and proof):

H. 1001. Relating to Talladega County; to provide a salary supplement to the circuit court register.

By Messrs. Sasser and Williams (with notice and proof):

H. 1046. Relating to Dale County; to authorize the county governing body to provide for the relief of county employees who suffered unpaid claims when the insurance company that the county had its hospitalization and medical insurance with went bankrupt; to provide further that the total amount of county funds expended under the provisions of this Act shall not exceed \$7,500.

By Messrs. Coburn and Goodwin (with notice and proof):

H. 1104. Relating to Colbert County, providing further for the compensation for members of the county board of education.

By Messrs. Crawford and Sasser (with notice and proof):

H. 1112. To provide for compensation and expense allowance for the Coroner of Henry County, Alabama.

By Messrs. Coburn and Goodwin (with notice and proof):

H. 1103. Relating to Colbert County, to provide further compensation for the chairman and each member of the board of equalization, payable from the county general fund.

By Messrs. Coburn and Goodwin (with notice and proof):

H. 1107. Relating to Colbert County, to provide for certain expense allowances and salaries for certain county officials, and providing that this act shall become effective only if approved at a referendum election in Colbert County.

By Messrs. Warren and McCorquodale (with notice and proof):

H. 1072. Relating to Monroe County; to allow the county commission and the governing body of each municipality in the county to contribute public funds to a volunteer rescue squad.

By Messrs. Clark and Manley (with notice and proof):

H. 1076. To create the office of county treasurer of Greene County; to provide for the appointment of the county treasurer and to prescribe his powers, duties, terms and compensation.

By Mr. Smith (J) (with notice and proof):

H. 1151. Relating to Geneva County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, and repealing conflicting laws.

By Mr. Hines (with notice and proof):

H. 1144. Relating to Escambia County; providing for the payment or reimbursement by said county to the members, including the chairman of the county commission, of their actual expenses incurred in the performance of their duties outside the county, including expenses incurred by them in attending conventions of the National Association of County Commissioners and the Alabama Association of County Commissioners.

By Mr. Hines (with notice and proof):

H. 1146. Relating to Escambia County; to amend further Act No. 411, H. 742, 1963 Regular Session (Acts 1963, p. 912), as amended, which act creates a county governing body for Escambia County, so as to authorize the governing body for Escambia County, so as to authorize the governing body to establish a personnel board for the county and to prescribe the powers, duties and compensation of any such board; and to repeal Act 497, H. 1149 of the 1977 Legislature of Alabama (1977 Acts, p. 648) entitled, "An Act To provide for the establishment of a merit system for certain counties and municipal law enforcement officers in Escambia County, Alabama, and a merit system board governing the removal and official conduct of such officers; defining violations of the act; imposing penalties for violations; and repealing conflicting laws."

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Drake, Roberts, Cross and Martin (with notice and proof) (With Amendment):

H. 1050. Relating to Morgan County, to provide for salary supplements and expense allowances for certain county officers, payable from the county treasurer.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Towns and Jolly (with notice and proof):

H. 1128. Providing for the establishment of a merit system for the county and municipal employees in Blount County, Alabama; and a merit system board governing the removal and official conduct of such county and municipal employees; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

By Mr. Drake (with notice and proof):

H. 1119. Relating to Cullman County; to regulate employment practices with regard to road employees; to establish a county road personnel board and provide for its powers, jurisdiction, duties, compensation and



allowances, membership, office space, supplies, equipment and clerical assistance; to provide for examination of job applicants; to establish procedures for employment and for suspension, discharge and other disciplinary actions and to provide for appeals from such actions and from decisions of the board; to prescribe duties and powers of the county governing body and the sheriff with regard to the board; to provide penalties for certain violations; to prohibit certain activities on the part of employees; to make the effectiveness hereof contingent upon the enactment of Senate Bill 346 of the 1978 Regular Session and its approval by the electors of the county at the referendum election provided for therein.

By Mr. Hines (with notice and proof):

H. 1142. Relating to Escambia County; to provide that the county commission of Escambia County may allocate and distribute among the several presently incorporated municipalities of Escambia County on a pro rata basis  $33 \frac{1}{3}$  percent of any oil and gas privilege tax monies which may be received by Escambia County under the authority of any general or local law enacted by the legislature of Alabama after January 1, 1978.

By Messrs. Coburn and Goodwin (with notice and proof):

H. 1106. Relating to Colbert County, to provide further compensation for the clerk and members of the jury commission, payable from the general fund.

By Messrs. Jolly and Towns (with notice and proof):

H. 812. Relating to Blount County; to repeal the expense allowance of the members of the county commission; and to provide for an expense allowance for members of the county commission.

By Messrs. Jackson (F), Smith (J), and Holley (with notice and proof):

H. 785. To amend Section 1 of Act No. 89, H. 40, of the Regular Session of 1969 (Acts of 1969, p. 373), so as to further regulate the compensation and allowances of members of the board of education of Covington County and provide for the payment thereof.

By Messrs. Jolly and Towns (with notice and proof):

H. 814. Relating to Blount County; to provide further for the compensation of the Board of Equalization of the county.

By Messrs. Martin, Roberts, Cross and Drake (with notice and proof):

H. 856. Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Trinity.

By Messrs. Jolly and Towns (with notice and proof):

H. 813. Relating to Blount County; providing further for the compensation of the Board of Registrars of the county.

By Mr. Campbell (with notice and proof):

H. 828. To provide for purging the lists of registered voters in Choctaw County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

By Messrs. Manley and Clark (with notice and proof):

H. 1126. Relating to Hale County; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

By Messrs. Merrill, Holmes (D), Shelton and Quarles (with notice and proof):

H. 882. To amend Section 12 of Act No. 592, S. 456, Regular Session 1953 (Acts 1953, Page 838), entitled "An Act To Provide for the City of Anniston, in Calhoun County, a Civil Service System governing the appointment, removal, salaries, tenures and official conduct of employees of the City; defining violations of the Act, imposing penalties for violations; and repealing conflicting laws."

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Owens:

H. 363. To amend Section 4-2-45 of the Code of Alabama, 1975, which regulates the disbursement of funds of the state department of aeronautics, so as to further regulate such disbursement and the management of certain funds.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Edwards (with notice and proof):

H. 1110. Relating to Wilcox County; further regulating the handling and expenditures of certain court fees accruing to Wilcox County; establishing the Wilcox County Law Library Fund and authorizing the expenditures of such funds; creating the Wilcox County Law Library Board and providing for its appointment, powers and duties; providing for taxation of \$3.00 court costs as a law library fee in all criminal, quasi-criminal or civil cases or other proceedings in the Circuit Court, District Court and Small Claims Court of Wilcox County.

By Mr. Edwards (with notice and proof):

H. 1111. Relating to Wilcox County; to amend Section 1 of Act No. 83, S. 167, 1971 Regular Session (acts of 1971, p. 345) relating to fees for pistol permits and their disposition, so as to further regulate the amount and disposition of such fees.

By Mr. Crowe:

H. 1059. Relating to the 25th Judicial Circuit; creating the office of public defender and providing for the manner of appointment, the operation and financing of such office; providing such office for the representation and defense of persons accused of crime whom the courts declare indigent; establishing the Public Defender Commission; defining the authority, powers, duties and limitations of said commission and defender; providing for the

vacancy of said office of defender; authorizing the taxing and collecting of certain additional court costs in certain courts within said counties for financing the operation of the office of Public Defender and representation of indigents, such revenues to be designated for the Public Defender's fund; continued the opportunity for lawyers to be appointed to represent such indigents; requiring that any excess money in the Public Defender Fund be returned on a pro rata basis to the counties and municipalities which funded the said office and its operation; and providing for the retroactive effect of certain provisions of this act.

By Mr. Wyatt (with notice and proof):

H. 1095. Relating to Montgomery County; to provide additional compensation for the members of the Board of Registrars.

By Mr. Wyatt (with notice and proof):

H. 1094. Relating to Montgomery County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses; giving this act retroactive effect.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Jolly (with notice and proof):

H. 941. Relating to Jefferson County; to prescribe the civil service system status of certain truck weight inspectors and transfer agents employed in the sheriff's office of said county.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gafford:

H. 10. To amend Section 9910 of Act No. 607, S. 33, 1977 Regular Session of the Alabama Legislature, commonly known as the "Alabama Criminal Code" so as to delay the effective date one additional year.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 282. To name the science-fine arts building at Southern Union State Junior College in honor of A. R. Van Cleave.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore,

Goodwin, Little, McDonald (A), McDonald (S), Mitchell, Noonan, Peden, St. John, Shelby, Waldrop.

—19

*Nays:*

—0

The Bill:

S. 4. To propose an amendment to the Constitution relative to the method of adopting amendments to the constitution affecting political subdivisions of this state.

Was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Higginbotham, Jones, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, St. John, Waldrop, Wilson.

—22

*Nay:* Mr. McDonald (A)

—1

The Bill:

H. 426. Relating to voter registration; to provide for a board of registrars, their duties, terms and compensation; to provide for the registration of electors; to provide for clerical help and office supplies for registrars; to provide for meetings and times and places of registration by the board; to provide penalties for certain violations; to provide for the publication of the list of registered voters; to provide for deputy registrars; and to repeal Code of Alabama, 1975, Section 17-3-1 through 17-4-24, 17-4-40 through 17-4-47, 17-4-60 through 17-4-67 and other conflicting laws.

was taken up.

Mr. St. John offered the following amendment to the Bill, H. B. 426, to-wit:

#### AMENDMENT TO H. B. 426

Amend House Bill 426, Section 34, line 30, by striking out the paragraph beginning on line 30 and inserting in lieu thereof the following paragraph:

"An application for absentee registration shall be in writing and shall be filed with the board of registrars of the county in which the elector resides. However, such filing shall be made with the register in chancery in those counties having such official. The board or the register in chancery as the case may be shall furnish the applicant a written application in the same form as that provided other applicants and any additional application deemed necessary to determine eligibility to register, which application shall be answered by the applicant without assistance and shall be verified before a commissioned officer of the armed forces of the United States or any person authorized to administer oaths and take affidavits. Such application shall be filed with the board of registrars or the register in chancery. The board or the register may take other testimony respecting this applicant and the truthfulness of any information furnished by him. Any additional testimony

so taken shall be reduced to writing and shall be sworn to by the witness before a member or clerk of the board, the register, or anyone authorized to administer oaths."

Which was adopted.

Yeas 21; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), Mcmillan, Mitchell, Noonan, Powell, Proctor, Roberts, St. John, Waldrop.

—21

*Nays:*

—0

Mr. McDonald (A), offered the following amendment to the Bill, H. B. 426, as amended to-wit:

#### AMENDMENT TO H. B. 426, AS AMENDED

Amend H. B. 426, Page 5, Section 11, Line 11 by placing after the county "Escambia" the county "Geneva"

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Vacca, Waldrop.

—25

*Nays:*

—0

And said Bill, H. B. 426, as thus amended, was read a third time at length and passed.

Yeas 31; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Vacca, Waldrop.

—31

*Nays:*

—0

#### RESOLUTION

Mr. Vacca offered the following Senate Resolution, to-wit:

S. R. 440. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. B. 990, AS SUBSTITUTED, OF THE 1978 REGULAR SESSION.

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we do respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinions of the following important constitutional questions which have arisen concerning the pending H. B. 990, as substituted in the Senate, of the 1978 Regular Session, which bill pertains, *inter alia*, to creating the office of assistant judge of probate of Jefferson County and providing for his appointment, qualifications, duties and benefits. Copies of said bill as substituted are attached hereto and made a part hereof by reference.

1. Does this bill propose a local law violative of Article 4, Section 105 of the Constitution?

2. Does Section 1 of this bill contravene Section 6.13 of Amendment No. 328 to the Constitution?

3. Does Section 1 of this bill contravene that provision of Section 6.14 of Amendment No. 328 to that Constitution which provides in pertinent part that:

"Vacancies in any judicial office shall be filled by appointment of the governor?"

4. Do the provisions of the bill provide for an unconstitutional delegation of judicial power in contravention of Amendment No. 328 to the Constitution?

RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send sufficient copies of the pending H. B. 990, as substituted, with attachments to the Clerk of the Supreme Court of Alabama and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.

On motion of Mr. Vacca, the Rules were suspended and the Resolution was adopted by the Senate.

#### REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Dr. J. Mac Bell, Jr. to the Board of Trustees of the University of South Alabama.

On motion of Mr. Roberts, the appointment of Dr. Bell to the Board of Trustees of the University of South Alabama was confirmed by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Vacca.

—25

Nays:

—0

## BILLS ON THIRD READING RESUMED

The Bill:

S. 608. To remove all restrictions relating to Public Employees of any County or City in the State of Alabama, pertaining to his right to participate in political activities and allow public employees the right of free expression in public welfare.

was taken up.

Mr. Powell offered the following amendment to the Bill, S. B. 608, to-wit:

## AMENDMENT TO S. B. 608

Amend Senate Bill No. 608 Page 1 Lines 12 and 17, by inserting after the word "of" the following:

"The State of Alabama or"

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Vacca, Waldrop.

—27

Nays:

—0

Mr. Edwards offered the following amendment to the Bill, S. B. 608, as amended, to-wit:

## AMENDMENT TO S. B. 608, AS AMENDED

Amend Senate Bill No. 608 Page 1 Line 22, by striking out the words "endorse candidates"

## BILL RECONSIDERED

On motion of Mr. St. John, the Senate reconsidered the vote by which the Bill, H. B. 426, as amended, was passed.

On motion of Mr. St. John, the Senate reconsidered the vote by which the Bill, H. B. 426, was ordered to its third reading.

On motion of Mr. St. John, the Senate reconsidered the vote by which his amendment to the Bill, H. B. 426, was adopted.

On motion of Mr. St. John, said amendment was laid on the table.

And said Bill, H. B. 426, as amended (by Mr. McDonald (A)), was again read a third time at length and passed.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Proctor, Roberts, St. John, Shelby, Waldrop, Wilson.

—27

*Nays:*

—0

### BILLS ON THIRD READING RESUMED

The Bill:

S. 647. To amend Section 2-10-20 of the Code of Alabama 1975 so as to redefine the word of term "association" contained therein.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, McMillan, Mitchell, Owen, Perry, Powell, Proctor, Roberts, St. John, Shelby, Waldrop.

—21

*Nays:*

—0

The Bill:

S. 500. To abolish rights of action for personal injury, death, or property damage sustained or aggravated by reason of a defective product or failure to warn or to properly instruct with respect to such product where such personal injury, death, or property damage is sustained or aggravated more than six (6) years after the manufactured product was purchased or more than eight (8) years after the date the product was manufactured (but in no case longer than eight (8) years) otherwise obtained for use by a consumer; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 500, to-wit:

### COMMITTEE SUBSTITUTE FOR S. B. 500

#### A BILL TO BE ENTITLED AN ACT

Relating to product liability actions; to provide for certain conclusive presumptions that a product was free from a claimed defect in design, manufacture or materials after the product was initially put in use for a certain period of time.



Be It Enacted by the Legislature of Alabama:

Section 1. As used in this act:

(a) The term "product" shall mean the individual product, and any component part thereof, which is the subject of the action.

(b) The term "use" shall mean that, during the period set forth in Section 2, the product was exposed to normal, intended use even though the product was not exposed to continuous, uninterrupted use during the full period of time set forth in Section 2.

(c) The term "put in use" shall mean the actual commencement of use by any person who is not engaged in the business of selling the product.

(d) The term "cause of the injury" shall mean a legal cause of such injury.

Section 2. In any action in which it is claimed that a product was defective in design, manufacture or materials and that the defect was a cause of injury to person or property, failure of proof by the plaintiff that the alleged defect of the product was a cause of injury to person or property within a period of seven (7) years after it was initially put in use by the first user shall create a conclusive presumption that the product was free from that defect in design, manufacture or materials when put in use.

Section 3. The provisions of Section 2 shall not apply to a claim against a person who expressly warranted a product to be free of defects in design, manufacture or materials for a period of time greater than set forth in Section 2 if the injury complained of occurred during the period of the express warranty.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Clemon, further consideration of the Bill, S. B. 500, and pending substitute were postponed temporarily.

The Bill:

S. 725. To amend Sections 9-17-101, 9-17-102, 9-17-104, 9-17-105, 9-17-106, 9-17-107, 9-17-109 and 9-17-110 of the Code of Alabama 1975, so as to provide certain changes in the regulation of liquefied petroleum gas.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 1.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Goodwin, Jones, Little,

McDonald (S), McMillan, Mims, Mitchell, Noonan, Peden, Perloff, Proctor, St. John, Shelby, Wilson.

—19

Nay: Mr. Powell

—1

### BILLS RE-REFERRED

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following Bills, H. B.'s 511, 510, and 509, and ordered same returned to the Senate with the recommendation that they be re-referred to another Committee.

And the President and Presiding Officer of the Senate ordered said Bills, H. B.'s 511, 510, and 509, re-referred to the Standing Committee on Business and Labor Relations.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following Bill, H. B. 883, and ordered same returned to the Senate with the recommendation that it be re-referred to another Committee.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 883, re-referred to the Standing Committee on Finance and Taxation.

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 441.

The following shall be the continuing and paramount order of business immediately upon adoption of this resolution for this 28th legislative day taking precedence over all business for said day:

|           |                                   |
|-----------|-----------------------------------|
| S. B. 749 | County Boards of Equalization     |
| S. B. 685 | Reserve Deputy Sheriffs           |
| S. B. 162 | Personalized Motor Vehicle Plates |
| S. B. 115 | Employees Liability               |
| S. B. 392 | Child Care                        |
| S. B. 136 | Physical Fitness                  |

On motion of Mr. Clemon, said Resolution was adopted by the Senate.

### SPECIAL ORDER

#### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the next special, paramount, and continuing order of business for today, the first item of which was the Bill:

S. 749. To provide further for the compensation of the members of the several county boards of equalization in this state by authorizing the several county governing bodies to provide certain county salary supplements for such members.

Mr. McDonald (A) offered the following amendment to the Bill, S. B. 749, to-wit:

AMENDMENT TO S. B. 749

In the Synopsis on line 14 and in the title on line 24, respectively, after the period add the following:

It prohibits certain county governing bodies from such authorization.

In Section 1, on Line 33 after the period add the following:

Provided, however, no county governing body shall be authorized to limit salary supplements for the members of their board of equalization to such sum if the board is on a full time basis and the compensation for such members is provided by law to exceed said sum.

Which was adopted.

Yeas 22; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, McDonald (A), Mims, Mitchell, Noonan, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Stewart.

—22

*Nays:*

—0

And said Bill, S. B. 749, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, Goodwin, Jones, King, Little, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Peden, Perloff, St. John, Shelby, Waldrop.

—21

*Nays:*

—0

The Bill:

S. 685. Providing that all duly appointed and commissioned reserve deputy sheriffs, as authorized under the provisions of Section 15-6-1, Code of Alabama 1975, shall have the same authority to make arrest and execute other duties of the sheriff's office as is currently possessed by the full-time deputy sheriffs in this state.

was taken up.

On motion of Mr. St. John, further consideration of the Bill, S. B. 685, was postponed temporarily.

The Bill:

S. 162. Relating to personalized motor vehicle license plates; to amend

Act No. 144, S. 58, 1975 Third Special Session (Acts 1975, p. 387), which provides for the issuance of personalized motor vehicle license plates at an additional fee; so as to explicitly provide that payment of said additional fee shall be payable only upon issuance of the personalized license plate.

was taken up.

The Standing Committee on State Government reported the following substitute for the Bill, S. B. 162, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 162

A BILL  
TO BE ENTITLED  
AN ACT

Relating to personalized motor vehicle license plates; to amend Act No. 144, S. 58, 1975 Third Special Session (Acts 1975, p. 387), which provides for the issuance of personalized motor vehicle license plates at an additional fee; so as to explicitly provide that payment of said additional fee shall be payable only upon issuance of the personalized license plates.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 144, S. 58, 1975 Third Special Session (Acts 1975, p. 387), is amended to read as follows:

Section 1. Owners of motor vehicles who are residents of Alabama upon application to the Probate Judge or Commissioner of Licenses, complying with the state motor vehicle laws relating to registration and licensing of motor vehicles and payment of the regular license fee for tags, as provided by law for private passenger or pleasure motor vehicles, and the payment of an additional fee of \$50.00 shall be issued license plates upon which in lieu of the numbers prescribed by law, shall be inscribed such letters or numbers or combination thereof, as are approved for and assigned to the applicant by the state department of revenue. Said additional fee shall be payable upon issuance of the actual license plate, and no fee, other than the regular annual license fee and taxes, shall be payable during such period as the personalized plate remains valid as an Alabama license plate.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Roberts, St. John, Shelby, Vacca, Waldrop.

—27

Nays:

—0

And said Bill, S. B. 162, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (S), McMillan, Mims, Noonan, Owen, Perloff, Proctor, Roberts, St. John, Stewart, Teague, Waldrop.

—26

*Nays:*

—0

The Bill:

S. 115. To provide that the State of Alabama shall carry and pay for certain liability insurance to indemnify all state employees required to drive a vehicle as part of their employment.

was taken up.

On motion of Mr. Mitchell, further consideration of the Bill, S. B. 115, was postponed temporarily.

#### BILLS RE-REFERRED

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following Bills, H. B.'s 648 and 325, and ordered same returned to the Senate with the recommendation that they be re-referred to another Committee.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 648, re-referred to the Standing Committee on Rules.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 325, re-referred to the Standing Committee on Finance and Taxation.

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 392. To amend Section 38-7-2 of the Code of Alabama 1975 so as to exempt certain church related facilities and programs from the provisions of the Child Care Act of 1971.

was taken up.

Mr. Roberts offered the following amendment to the Bill, S. B. 392, to-wit:

#### AMENDMENT TO S. B. 392

Page 2, line 29, strike subsection "d"

Page 4, line 25, strike subsection "g"

Page 6, line 4, insert new Section 2 to read as follows:

"Section 2. The Department is expressly prohibited from interfering in the religious practices and principles of any religious educational institution."

And renumber the following sections accordingly.

On motion of Mr. Goodwin, said amendment was laid on the table.

Yeas 20; Nays 9.

*Yeas:*

Messrs. Adams, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Proctor, Shelby, Stewart, Waldrop, Wilson.

—20

*Nays:*

Messrs. Baker, Bank, Clemon, Little, McDonald (A), McMillan, Peden, Roberts, Teague.

—9

Mr. Roberts then offered the following amendment to the Bill, S. B. 392, to-wit:

#### AMENDMENT TO S. B. 392

Section 1, Page 2, line 29, insert a new subsection "d"

"d. any pre-school program operated as a daytime ministry of a particular church and serving only the membership of that particular church.

On motion of Mr. Roberts, further consideration of the Bill, S. B. 392, was postponed temporarily.

#### REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**H. J. R. 575. COMMENDING TROY STATE UNIVERSITY AND ITS PRESIDENT, DR. RALPH W. ADAMS, ON NINETY-ONE YEARS OF DISTINGUISHED SERVICE TO THE STATE.**

On motion of Mr. Adams, said Resolution was then concurred in and adopted by the Senate.

#### BILLS ON THIRD READING RESUMED

The Bill:

**S. 136.** To create a Commission on Physical Fitness to supersede the Commission on Physical Fitness created by Sections 22-5-1 through 22-5-9, Code of Alabama 1975; to abolish the commission created by the said code sections; to prescribe the powers, duties, and authority of the newly created commission; to provide for the selection, term, qualifications, powers, duties, authority and compensation of the members thereof; to provide for the appointment, duties, and compensation of an executive secretary who shall be

covered by the state merit system; to provide for other employees; and to repeal conflicting laws, specifically Sections 22-5-1 through 22-5-9, Code of Alabama 1975.

was taken up.

Mr. Waldrop offered the following amendment to the Bill, S. B. 136, to-wit:

#### AMENDMENT TO S. B. 136

Amend S. B. 136, Page 2, Section 2, by deleting the first sentence; "Section 2. The commission shall consist of thirteen members, including a chairman, all to be appointed by the governor."

And inserting in lieu thereof the following new sentence: "Section 2. The commission shall consist of twenty-five members, including a chairman, all to be appointed by the governor from a list submitted to the governor by the Executive Committee of the commission."

Mr. Powell moved that further consideration of the Bill, S. B. 136, and pending amendment be postponed for three Legislative Days.

Mr. Waldrop moved that the motion to postpone be laid on the table, which motion was lost.

Yeas 6; Nays 11.

*Yeas:*

Messrs. Adams, Jones, McMillan, Mitchell, Noonan, Waldrop.

—6

*Nays:*

Messrs. Baker, Edwards, Ellis, Goodwin, Higginbotham, McDonald (A), McDonald (S), Peden, Powell, Proctor, St. John.

—11

The question was then on the motion to postpone for three Legislative Days, and on motion of Mr. Clemon, said motion was postponed temporarily.

#### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 442.

The following shall be the continuing and paramount order of business immediately upon adoption of this resolution for this 28th legislative day taking precedence over all business for said day:

|           |                           |
|-----------|---------------------------|
| S. B. 389 | Soil Classification       |
| S. B. 496 | Indian Affairs Commission |
| S. B. 31  | Energy Conservation       |
| S. B. 799 | Movie banned              |

S. B. 118                      Dam Safety inspection

S. B. 163                      Workmen's Compensation

On motion of Mr. Clemon, said Resolution was adopted by the Senate.

### MOTION TO RECESS LOST

At 12:30 P.M., Mr. McDonald (S) moved that the Senate take a recess until 1:45 this afternoon, which motion was lost.

### SPECIAL ORDER

#### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the next special, paramount, and continuing order of business for today, the first item of which was the Bill:

S. 389. To regulate the practice of soil classification; to provide for the registration of qualified persons as professional soil classifiers; to create a state board of registration of soil classifiers; to provide for the appointment and compensation of its members; to fix the terms of the members of the board and to define the powers and duties of the board; to provide the minimum qualifications and other requirements for registration; to establish fees with expiration and renewal requirements; to provide that certain persons shall be exempt from the provisions of this act; and to provide for the enforcement of this act and prescribe criminal penalties for its violations.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 3.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Higginbotham, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Peden, Powell, Shelby, Waldrop.

—19

*Nays:* Messrs. Gilmore, Jones, St. John

—3

Mr. Peden moved that the Senate reconsider the vote by which the Bill, S. B. 389, was passed.

Mr. Little moved that the motion to reconsider be laid on the table, which motion was lost.

Yeas 3; Nays 16.

*Yeas:* Messrs. Bank, Little, McMillan

—3

*Nays:*

Messrs. Adams, Baker, Edwards, Ellis, Gilmore, Jones, McDonald (A), Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Vacca, Waldrop.

—16

The question was then on the motion to reconsider, which motion was adopted, and the Senate did reconsider said Bill, S. B. 389.



And on motion of Mr. Peden, further consideration of the Bill, S. B. 389, was indefinitely postponed by the Senate.

The Bill:

S. 496. Relating to Native Americans; creating the Southwest Alabama Indian Affairs Commission; providing for its duties and membership; prescribing the method of appointment and compensation of the members of said commission; providing for an appropriation for such commission from the state general fund; and repealing all laws or parts of laws conflicting with this act, specifically repealing Act No. 533, S. 449, 1976 Regular Session (Acts of 1976, p. 684).

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Abstaining 1.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Gilmore, Jones, Little, McMillan, Mims, Noonan, Peden, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop.

—21

*Nays:*

—0

*Abstaining:* Mr. McDonald (A)

—1

The Bill:

S. 31. To require the State Building Commission to adopt, promulgate and enforce a state building code which contains energy conservation measures; to provide that said code is to be used in all future construction or remodeling of buildings which are constructed with state appropriated funds.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Jones, Little, McDonald (A), McMillan, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Shelby, Vacca, Waldrop.

—23

*Nays:*

—0

The Bill:

S. 799. To provide that it shall be unlawful to commercially show or publish the obscene film entitled "The Many Faces of Jesus" or "The Love Affairs of Jesus" in the State of Alabama; and to prescribe penalties for violations.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Jones, Little, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—24

*Nays:*

—0

The Bill:

S. 118. To provide for the periodic safety inspection of certain dams in this state by the State Department of Civil Defense.

was taken up.

Mr. Ellis offered the following substitute for the Bill, S. B. 118, to-wit:

#### SUBSTITUTE FOR S. B. 118

#### A BILL TO BE ENTITLED AN ACT

To insure the safety of presently existing and future dams and reservoirs in this State; to authorize the State Department of Civil Defense to conduct safety inspections of certain dams in this State and to provide for the issuance of certificates of approval for the construction of new dams; to grant additional powers and authority to the Director of the Civil Defense Department of the State of Alabama; to provide for appeals from final determination by the Director; to place certain restrictions upon the regulation or supervision of any dams or reservoirs by any individual or any county or municipal governing body; and to prescribe criminal and civil penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title. This act shall be known as and may be cited as "The Alabama Safe Dams Act of 1978."

Section 2. Definitions. The following definitions are applicable in this act unless the context otherwise requires:

(a) "Dam" means any artificial barrier, together with appurtenant works, which does or may impound or divert water, and which either (1) is or will be twenty-five (25) feet or more in height from the natural-bed of the stream or water-course at the downstream toe of the barrier, as determined by the Director, or (2) has or will have an impounding capacity at maximum water storage elevation of fifty (50) acre-feet or more. Provided, however, that any such barrier which is or will be less than six (6) feet in height, regardless of storage capacity, or which has or will have a maximum storage capacity not in excess of twenty (20) acre-feet, regardless of height, shall not be considered a dam.

(b) "Reservoir" means any basin which contains or will contain the water impounded by a dam.

(c) "Person" means any individual, firm, association, organization, partnership, business trust corporation, company, county, municipal or quasi-municipal corporation, public utility, utility or other district, the State of Alabama and its departments, divisions, institutions, and agencies, and the duly authorized officers, agents, and representatives thereof, or any combination of any of the above. "Person" does not include the United States government nor any agency owned by the United States or an agency thereof, nor those who own a dam or reservoir leased to or operated by the United States or any agency thereof, nor those dams licensed by the Federal Energy Regulatory Commission.

(d) "Water storage elevation" means the maximum elevation of water surface which can be obtained by the dam or reservoir.

(e) "Alterations" or "repairs," or either of them, mean only such alterations or repairs which may affect the safety of the dam or reservoir, as determined by the Director.

(f) "Enlargement" means any change in, or addition to, an existing dam or reservoir, which does or may raise the water storage elevation of the dam.

(g) "Water" means the liquid, including solids or other matter dissolved or suspended therein, which is or will be impounded.

(h) "Days" means calendar days, including Sundays and holidays.

(i) "Director" means the Director of the Civil Defense Department of the State of Alabama, his authorized delegates, representatives, and agents.

(j) "Owner" means any person who owns an interest in, controls, or operates a dam.

(k) "Farm pond" means any impoundment used only for providing water for agricultural and domestic purposes for the owner or occupant of the farm, his family, and invited guests, such as livestock and poultry watering, irrigation of crops, recreation, and conservation, but does not include any impoundment for which the water, or privileges or products of the water, are available to the general public.

Section 3. Powers of Director. The Director shall exercise the following authority and powers:

(a) to administer and enforce the provisions of this act and all rules and regulations and orders promulgated thereunder;

(b) to conduct or obtain investigations, research, experiments, training programs and demonstrations, and to collect and disseminate information relating to the safe construction, operation, or maintenance of dams and reservoirs;

(c) To adopt, after giving public notice and affording an opportunity to all interested persons to appear and offer evidence at a public hearing in connection therewith, general rules and regulations which he deems necessary to accomplish the purpose of this act. Such rules and regulations, which shall have the force and effect of law, shall be of uniform application as far as practicable, but they may take proper account of differences in topography, geology, soil conditions, climate, hydrology, and use of the reservoir and the lands lying in the flood plain downstream from the dam;

(d) to adopt, without notice or hearing, rules and regulations with respect to procedural aspects of hearings, the filing of reports and orders, the issuance of certificates of approval and other procedural matters;

(e) to insure orders requiring the adoption by an owner of remedial measures necessary for the safety of life or public or private property or for carrying out the provisions of this act or rules and regulations issued thereunder;

(f) to examine and approve or disapprove applications for certificates of approval for the construction, enlargement, repair, alteration, maintenance, or operation of a dam or reservoir;

(g) to establish standards for the safe construction, enlargement, repair, alternation, maintenance, or operation of a dam or reservoir. Such standards shall be issued in the form of regulations as described in subdivision (c) of this section;

(h) to make such investigations or inspections as the Director may deem necessary to determine the condition of a dam or reservoir to insure compliance with any provisions of this act, including the right to enter at any time upon an area affected for such purposes and the right of ingress and ingress across intervening properties;

(i) to order the suspension and/or revocation after warning of any certificate of approval for any act for failure to comply with any of the provisions of this act or with any rules, regulations or orders adopted pursuant thereto, or with any of the conditions, contained in or attached to the certificate of approval;

(j) to order the immediate cessation of any act that is started or continued without a certificate of approval as required by the provisions of this act;

(k) to institute and prosecute all such court actions as may be necessary to obtain the enforcement of any order issued by the Director in carrying out the provisions of this act.

Section 4. Certificates of approval—Requirement. On and after October 1, 1978, no person shall construct, enlarge, repair, alter, remove, maintain, or operate a dam in the State of Alabama without first obtaining from the Director a certificate of approval and safety.

Section 5. Information required for certificates—Plans and specifications.

(a) In order to obtain such a certificate, the owner of each dam shall file with the Director, on the form to be made available by the Director, the following information

- (1) The name under which said person is doing business in Alabama,
- (2) the legal address of said person,
- (3) the location of the proposed or existing dam and reservoir,
- (4) the type, size and height of the proposed or existing dam and reservoir and appurtenant works,
- (5) the storage capacity and reservoir surface areas for normal and maximum water surface elevation,

(6) the purpose, or purposes, for which the dam or reservoir is to be used.

(7) in the case of an application by an owner or lessee of a dam, the names and addresses of all persons having a real property interest in such dam,

(8) such other plans and detailed information as the Director may deem reasonable and necessary to fulfill his responsibilities hereunder.

(b) Plans and specifications submitted to the Director for construction, enlargement, alteration, repair, or removal of dams and reservoirs shall be in the charge of and signed by an engineer, licensed by the State of Alabama and experienced in the design and construction of dams, as determined by the Director.

(c) The Director, however, shall not require detailed plans to accompany applications for the certificate of approval for any dams, the plans for which have been approved by any agency of the United States and fifty per cent (50%) or more of the cost of which is being borne by an agency of the United States, nor shall he impose any conditions in the certificate of approval relating to modification of the design of such dams.

Section 6. Multiple owners. Nothing in this act shall be construed to require multiple applications for certificates of approval by such owner of a dam where they are multiple owners thereof, if all owners are listed in the application filed by any of them.

Section 7. Existing dams. Every owner of a dam completed prior to October 1978, shall within one hundred eighty days (180) thereafter, file with the Director, an application for a certificate of approval. A separate application for a certificate of approval for each dam or project shall be filed with the Director.

Section 8. Change in ownership. Whenever legal title to a dam, for which a certificate of approval has been issued, is modified to create real property interests, including leasehold interests, in persons not listed on the application for such certificate, the owner of such dam shall make application for a new certificate within ninety (90) days of the date such interests are created.

Section 9. Failure to apply—Notice. The Director shall give notice to file to owners who have failed to make application as required by Section 4—Section 9, and failure to so file within thirty (30) days after such notice has been given shall be a violation of this act.

Section 10. Examination of applications—Inspection.

(a) The Director shall examine the applications for a certificate of approval and cause an on-the-ground inspection to be made of the existing or proposed dam or reservoir. He shall then, within sixty (60) days, in the case of proposal structures and four (4) years in the case of existing structures, of the receipt of the completed application for a certificate of approval, either grant the certificate or disapprove it in writing. He must state the reasons for disapproval.

(b) In the case of an existing dam or reservoir, the Director may utilize the results and information provided by an inspection made by or for the

United States Army Corps of Engineers pursuant to the provisions of Public Law 92-367 (U.S.C., tit. 33, section 467-467e), if the information is not more than one (1) year old at the time of use.

Section 11. Conditions for granting certificate. In deciding whether or not to grant a certificate of approval, the Director shall take into account all pertinent facts, data, and conditions relative to the proposed action, but he shall not grant any certificate unless the following conditions have been met:

- (1) he determines that the proposed action will be conducted in such a way that the safety of the public is adequately provided for,
- (2) all information requested by the Director relative to the proposed action has been provided, and
- (3) all fees required by the provisions of the act have been paid.

Section 12. Imposition of additional conditions—Hazard categories.

(a) In granting a certificate of approval, the Director may impose such conditions relating to the inspection, operation, maintenance, alteration, repair, use, or control of a dam or reservoir as he determines are necessary for the protection of public health, safety or welfare.

(b) The Director may establish hazard categories for dams based on downstream flood plain use, size or type of dam, or other criteria, and may impose different conditions or types of conditions on the approval of dams or reservoirs in the different categories.

Section 13. Duration of certificates. Certificates of approval shall be for a definite period of time, not to exceed five (5) years, as determined by the Director and stated on the certificate. In determining the period of approval, the Director may take account of any circumstances pertinent to the situation, including, but not limited to, the size and type of dam, topography, geology, soil conditions, hydrology, climate, use of the reservoir and the lands lying in the flood plain downstream from the dam, and the hazard category of the dam.

Section 14. Modification of certificates—The Director may modify a certificate of approval or the conditions attached to it. Such modification shall become effective ninety (90) days following issuance by the Director of a revised certificate, except when the Director finds that a state of emergency exists, and that life or property would be endangered by delay. In case of an emergency declared by the Director, the new conditions shall be effective immediately.

Section 15. Inspections. The public safety and welfare requiring it the Director shall conduct a program of regular inspections of dams and reservoirs within the State. The frequency of such inspections shall be as determined by the Director, who may establish different inspection intervals for dams based on their hazard categories.

Section 16. Fees. The Director shall establish reasonable fees for the inspection of and issuance of a certificate of approval for dams and reservoirs, provided, however, that the fee for a certificate of approval or for a single inspection of a dam and reservoir or project shall not exceed fifty dollars (\$50.00) and the total fee payable for the inspection of any single dam and reservoir or project during any calendar year shall not exceed one hundred dollars (\$100.00), irrespective of the number of inspections made of such dam

and reservoir or project during any calendar year. All moneys collected under the provisions of this act and all appropriations for the administration of this act shall be deposited in the State Treasury and credited to an account designated by the Director for the administration and enforcement of this act. The fees described in this section are not refundable.

Section 17. Emergency orders—Grounds. Whenever the Director determines that any person to which a certificate of approval has been issued has failed to comply with the conditions in said certificate or whenever the Director determines that life or property are or may be endangered by the failure or incapacity of a dam or reservoir or by other cause related to a dam or reservoir, irrespective of any conditions or the lack thereof in the certificate of approval for said dam or reservoir, the Director shall order the owner thereof to take such action as is necessary to render the dam or reservoir safe.

Section 18. Emergency orders—Compliance—Hearing. Any person to whom an order is directed pursuant to section 17 and 20 shall comply therewith immediately but on petition to the Director shall within five (5) working days have a hearing thereon.

Section 19. Emergency orders—Noncompliance—Action by Director. Where the owner fails, in the judgement of the Director, to take satisfactory action toward compliance with such order, or to maintain a satisfactory rate of progress toward full compliance therewith, or where in the judgement of the Director the danger to life or property will not permit delay, the Director shall request that a state of emergency be declared by the governor, and upon such declaration, shall take such action as he deems necessary to render the dam or reservoir safe, which action may include, but is not limited to:

- (a) taking full charge and control of the dam or reservoir.
  - (b) lowering the water level by releasing water from the reservoir,
  - (c) completely emptying the reservoir,
  - (d) performing any necessary remedial or protective work at the site,
- or,
- (e) taking such other steps as may be necessary to safeguard life and property.

Section 20. Emergency action—Duration. The Director may continue such action until the dam or reservoir involved is rendered safe or the emergency requiring the action has ceased. The Director is authorized to enter into contracts or agreements with other state, local or federal agencies, or other persons, for work necessary to implement such necessary actions.

Section 21. Emergency action—Recovery of cost—Lien. Whenever the Director takes action authorized by section 19-20, the owner or owners of the dam or the dam creating the impoundment, at which such action was taken, shall be jointly and severally liable for the costs of taking such action, including applicable overheads, and a lien in the amount of such costs shall be automatically created on all property owned by any such owner at or proximate to such dam or reservoir. The Director shall file an action in any circuit court having jurisdiction over any owner in such action irrespective of any statutes to the contrary relating to jurisdiction of venue. Following the conclusion of such action the Director may make application to the court for foreclosure sale of the property to satisfy any judgement obtained by the Director.

Section 22. Hearings before Director.

(a) Except as provided in section 19-20 regarding emergency situations, any person aggrieved by any order, determination, regulation, or ruling of the Director may, within sixty (60) days of the effective date of such order, determination, regulation, or ruling, make application to the Director for a hearing thereon.

(b) Upon receipt of a written petition from the petitioner pursuant to this section, the Director shall give the petitioner thirty (30) days written notice of the time and place of the hearing, but in no case shall such hearing be held later than sixty (60) days from the receipt of the written petition. All hearings shall be open to the public. Notice of any and all hearings shall be given at least thirty (30) days prior to the scheduled date of the hearing by public advertisement in a newspaper of general circulation in the county affected, giving the date, time, place and purpose of such hearing.

(c) A verbatim record of the proceedings of such hearing shall be taken. The transcript so recorded shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the Director to cover the costs of preparation.

(d) In connection with the hearing, the Director shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. The Director may administer oaths and examine witnesses. Witnesses shall be reimbursed for all travel and other necessary expenses which shall be claimed and paid in accordance with the prevailing travel regulations of the State. In case of contumacy or refusal to obey a notice of hearing or subpoena issued under this section, the Circuit Court for Montgomery County within ten (10) days from the date such order or determination is made. No hearing, however, shall be allowed by the Circuit Court from any decision made by the Director if such decision has become final as a result of a person's failure to appear at a hearing after having requested such hearing or after having received adequate notice.

(e) The appeal shall be processed in accordance with the following:

(1) The appellant shall serve a notice of appeal on the other parties within the time allowed for appeal by subsection (a) of the section;

(2) Accompanying the notice of appeal shall be a copy of the appellant's objections referring to the action of the Director, specifying the grounds of appeal and including both points of law and fact which are asserted or questioned by the appellant;

(f) A verbatim record of the proceedings of such hearing shall be taken. The transcript so recorded shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the Director to cover the costs of preparation.

(g) In connection with the hearing, the Director shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. The Director may administer oaths and examine witnesses. Witnesses shall be reimbursed for all travel



and other necessary expenses which shall be claimed and paid in accordance with the prevailing travel regulations of the State. In case of contumacy or refusal to obey a notice of hearing or subpoena issued under this section, the Circuit Court for Montgomery County or the circuit court of the county in which the hearing is conducted shall have jurisdiction upon application of the Director to issue an order requiring such person to appeal and testify or produce evidence as the case may require, and any failure to obey such order of the court may be punished by such court as contempt thereof.

(h) On the basis of the evidence produced at the hearing, the Director shall make findings of fact and conclusions of law and enter such decisions and orders as in his opinion will best further the purpose of this act and shall give written notice of such decisions and orders to the petitioner. The decision issued under this subsection shall be issued no later than thirty (30) days following the close of the hearing by the Director.

(i) The decision of the Director shall become final and binding on all parties subject to judicial review as provided in section 23.

#### Section 23. Appeals from Director

(a) An appeal may be taken from any final order or other final determination of the Director by any party who is or may be adversely affected thereby to the Circuit Court for Montgomery County within ten (10) days from the date such order or determination is made. No hearing, however, shall be allowed by the Circuit Court from any decision made by the Director if such decision has become final as a result of a person's failure to appear at a hearing after having requested such hearing or after having received adequate notice.

(b) The appeal shall be processed in accordance with the following:

(1) The appellant shall serve a notice of appeal on the other parties within the time allowed for appeal by subsection (a) of this section.

(2) Accompanying the notice of appeal shall be a copy of the appellant's objections referring to the action of the Director, specifying the grounds of appeal and including both parts of law and fact which are asserted or questioned by the appellant;

(3) A copy of the original notice of appeal with proof of service and the appellant's objections shall be filed by the appellant or his attorney with the clerk of the court within ten (10) days of the service of the notice, and thereupon the court shall have jurisdiction of the appeal. The appellant shall also give bond as required in other suits. The appellant shall notify the other parties of the filing thereof;

(4) Within thirty (30) days after receipt of such notice of filing the Director shall transmit to the Circuit Court for Montgomery County a complete transcript of the proceedings under review, which shall contain all the proof submitted before the Director;

(5) Any decision of the Director shall be reviewed by the Circuit Court solely upon the transcript of the proceedings before the Director, and neither party shall be entitled to introduce any additional evidence in the circuit court. No decision of the Director shall be set aside unless it is shown that such decision was not supported by substantial evidence produced before the Director at the hearing;

(6) A further review by the Supreme Court of the State may be sought in conformity with the procedure provided in section 18.

#### Section 24. Injunctions.

(a) When there is a reason to believe that a person is violating or is about to violate or has violated any of this act or any certificates or orders issued thereunder, the Director may institute proceedings in the circuit court of the county in which the alleged violation occurred for injunctive relief to prevent continuance of such action or to correct the conditions resulting in or about to result therefrom or both. The court shall grant the injunction without the necessity of showing a lack of adequate remedy at law upon a showing by the Director that such person is violating or about to violate or has violated one or more of the provisions of this act. In such suits, the Director may obtain permanent or temporary injunctions, prohibitory or mandatory, and restraining orders.

(b) The Director may bring suit for injunctive enforcement of any order made by him when such order has become final and such person has failed to comply with the order. In such suits all findings of fact contained in the order and complaint shall be deemed to be final, and not subject to review except as to receipt of notice of the order, but the defendant may proffer evidence showing that he has in fact complied with the Director's order. The order made by the Director in such cases shall be prima facie reasonable and valid, and it shall be presumed that the Director has complied with all requirements of the law.

(c) Any suit for an injunction brought by the Director shall be filed in the circuit court of the county in which all or a part of the violation is or is about to occur, in the name of the department, by the district attorney-general at the direction of the Director and under the supervision of the attorney-general. Such proceedings shall not be tried by jury. Appeals from judgments or decrees of the circuit court in proceedings brought under the provisions of this act shall lie to the Supreme Court despite the fact that controverted questions of fact may be involved.

Section 25. Civil penalties. Any person who violates any of the provisions of this act or regulations adopted pursuant thereto, or who fails to perform the duties imposed by these provisions or fails or refuses to obtain a certificate as provided herein, or who violates any determination or order promulgated pursuant to the provisions of this act, shall be liable to a civil penalty of not less than one hundred dollars (\$100) and no more than one thousand dollars (\$1,000) for each day during which such violation continues, and in addition may be enjoined from continuing such violation as hereinafter provided. Such penalties shall be recoverable in an action brought in the name of the State of Alabama by the Attorney-General in Montgomery County Circuit Court or in the circuit court having jurisdiction of the defendant, and all sums recovered shall be placed in the State Treasury and credited to the Department of Civil Defense.

Section 26. Actions for civil penalties or injunctions. It shall be the duty of the district Attorneys-General in the various circuits throughout the State, or the Attorney-General, upon the request of the Director, to bring an action for the recovery of the penalties herein provided for and to bring an action for a restraining order, temporary or permanent injunction, against any person violating or threatening to violate any of the provisions of this act or violating or threatening to violate any order or determination promulgated pursuant to the provisions of this act.

Section 27. Criminal penalties. Any person who willfully and know-

ingly falsifies any records, information, plans, specifications, or other data required by the Director or willfully fails, neglects, or refuses to comply with any of the provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine or not less than five hundred dollars (\$500) and not more than two thousand dollars (\$2,000) or imprisonment not to exceed eleven (11) months, twenty-nine (29) days, or both, provided, that no process by warrant, presentment or indictment shall be issued except upon application of the Director or such application for process authorized by him.

Section 28. Duties and liabilities of owner—Right of action against owners.

(a) Nothing in this act shall be construed to relieve the owner or owners of a dam or reservoir of the legal duties, obligations, or liabilities incident to the ownership or operation of the dam or reservoir.

(b) Nothing in this act shall abrogate the right of any person who is materially or personally damaged or injured by the operation of a dam or reservoir to seek his remedies against the responsible person in the courts.

Section 29. Local regulation restricted. No municipality, county, nor any group of counties, or other person, shall regulate, supervise, or provide for the regulation or supervision of any dams or reservoirs within their jurisdictions, including the construction, maintenance, operation, removal, or abandonment thereof, not to limit the size of a dam or reservoir or the amount of water which may be stored therein, where the exercise of such authority would conflict with the powers and authority vested in the Director by this act.

Section 30. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 31. All laws or parts of laws which conflict with this act are hereby repealed.

Section 32. This act shall become effective on October 1, 1978.

On motion of Mr. Ellis, said substitute was laid on the table.

And said Bill, S. B. 118, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Jones, Little, McMillan, Mims, Mitchell, Noonan, Peden, Perloff, Proctor, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop.

—22

*Nays:*

—0

The Bill:

S. 163. To amend 25-5-77, Code of Alabama 1975, which relates to medical, surgical, and hospital service, and vocational rehabilitation under workmen's compensation so as to provide that injured employees shall have their choice of physicians for treatment and the employer shall be fully liable for such treatment.

was taken up.

On motion of Mr. St. John, further consideration of the Bill, S. B. 163, was postponed temporarily.

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 443.

The following shall be the continuing and paramount order of business immediately upon adoption of this resolution for this 28th legislative day taking precedence over all business for said day:

|           |                                |
|-----------|--------------------------------|
| S. B. 408 | School of Mines                |
| S. B. 386 | Alabama Travel Commission      |
| S. B. 303 | Fair trial tax                 |
| S. B. 405 | Commission on Higher Education |
| S. B. 652 | Land Surveys                   |
| S. B. 429 | Leukemia Society               |

On motion of Mr. Clemon, said Resolution was adopted by the Senate.

### REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL 713

We, the Committee of Conference appointed to reconcile the disagreement between the two houses concerning S. B. 713, have met, considered the bill as substituted and have agreed to the following report:

1. We recommend that S. B. 713 be passed as substituted, as attached hereto.

Respectfully submitted,

HUGH MERRILL,

DONALD G. HOLMES,

Conferees on the part of the House.

DONALD W. STEWART,

JOHN A. TEAGUE,

LISTER HILL PROCTOR,

Conferees on the part of the Senate.

### SUBSTITUTE FOR S. B. 713

### A BILL TO BE ENTITLED AN ACT

Relating to Calhoun County; to provide for the salaries of certain offi-

cials of the county to become effective upon the expiration of the present terms of office of the incumbent officeholders, and to provide an additional expense allowance for said officials which will terminate upon the expiration of their present term of office; and to provide further for the salaries of the License Commissioner and Coroner which shall be effective immediately.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon the expiration of the present terms of office held by the incumbent officeholders of Calhoun County named hereinbelow, such county officials shall receive the following annual salaries, payable in equal monthly installments from the general fund of the county:

|  |          |
|--|----------|
| Sheriff                                | \$22,500 |
| Chairman of County Commission          | 22,500   |
| Tax Assessor                           | 22,500   |
| Tax Collector                          | 22,500   |
| Probate Judge                          | 22,500   |
| Associate Members of County Commission | 14,250   |

The salaries herein provided, when they become effective, shall be the total compensation payable to said officials, in lieu of any salary, expense allowance, or other compensation provided by law.

Section 2. Effective October 1, 1978, the following officers of Calhoun County shall receive in addition to any other compensation, fees and expense allowances provided by law, an annual expense allowance as follows:

|  |         |
|--|---------|
| Sheriff                                | \$4,350 |
| Chairman of County Commission          | 4,250   |
| Tax Assessor                           | 4,250   |
| Tax Collector                          | 4,250   |
| Probate Judge                          | 4,250   |
| Associate Members of County Commission | 6,450   |

The expense allowances herein provided shall be payable in equal monthly installments from the county treasury and shall automatically terminate upon the expiration of the current term of office of the incumbent county officers provided for in this section.

Section 3. Effective immediately, the salaries of the License Commissioner and the Coroner of Calhoun County shall be as follows:

|                      |          |
|----------------------|----------|
| License Commissioner | \$20,500 |
| Coroner              | 11,000   |

The salaries herein provided, when they become effective, shall be the total compensation payable to said officials, in lieu of any salary, expense allowance, or other compensation provided by law.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### CONFERENCE REPORT

On motion of Mr. Stewart, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. 713. Relating to Calhoun County; to provide for the salaries of certain officials of the county to become effective upon the expiration of the present terms of office of the incumbent officeholders, and to provide an expense allowance for the probate judge's office which will terminate upon the expiration of the present term of office of the probate judge.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Owen, Pearson, Peden, Perry, Powell, Roberts, St. John, Stewart, Teague, Waldrop, Wilson.

—25

*Nays:*

—0

#### SPECIAL ORDER

##### BILLS ON THIRD READING RESUMED

The Senate proceeded to the consideration of the next special, paramount, and continuing order of business for today, the first item of which was the Bill:

S. 408. To make a supplemental appropriation from the Alabama special educational trust fund, for the fiscal year ending September 30, 1978, to the University of Alabama at Tuscaloosa for capital outlay purposes of constructing a building for the School of Mines.

On motion of Mr. Little, consideration of the Bill, S. B. 408, was postponed temporarily.

The Bill:

S. 386. To create the Alabama Travel Commission; to provide for its membership, powers, duties, personnel and compensation; to transfer to the Alabama Travel Commission all the rights, powers, duties, authority, funds, property, books, records and effects of the State Bureau of Publicity and information created by Chapter 7 of Title 41 of the Code of Alabama, 1975, and/or the office of the Director of Publicity established under the authority of said Chapter; establishing an Alabama Travel Commission Fund; authorizing the establishment of a Commission to be known as the Alabama

Travel Commission; repealing all laws and parts of laws in conflict with the provisions hereof; and providing for the effective date of this Act.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 386, to-wit:

#### SUBSTITUTE FOR S. B. 386

#### A BILL TO BE ENTITLED AN ACT

To create the Alabama Travel Commission; to provide for its membership, powers, duties, personnel and compensation; to transfer to the Alabama Travel Commission all the rights, powers, duties, authority, funds, property, books, records and effects of the State Bureau of Publicity and Information created by Chapter 7 of Title 41 of the Code of Alabama, 1975, and/or the office of the Director of Publicity established under the authority of said Chapter; establishing an Alabama Travel Commission Fund; Authorizing the establishment of a Commission to be known as the Alabama Travel Commission; repealing all laws and parts of laws in conflict with the provisions hereof; and providing for the effective date of certain sections of this Act; and to prohibit the Bureau of Publicity from expending more than 25% of funds appropriated to it for the 1978-79 fiscal year.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established the Alabama Travel Commission, hereinafter referred to as the "Commission." The Commission shall have all the rights, powers, duties and authority now conferred upon the State Bureau of Publicity and Information, created by Chapter 7 of Title 41 of the Code of Alabama 1975, and/or the office of the Director of Publicity established under the authority of said Chapter. All such rights, powers, duties and authority now or hereafter vested by law in the State Bureau of Publicity and Information are hereby transferred to and vested in the Alabama Travel Commission, and all rights, powers, duties and authority, whether clerical, executive, administrative, judicial or quasi-judicial, now vested by law in the said Bureau shall be vested in the Commission hereby created and shall be exercised by it, together with any additional rights, powers and authority herein given or created by this Act with appointed officials to serve the remainder of their appointed terms. The jurisdiction, functions, funds, effects and personnel (except as hereinafter provided) of the Bureau are hereby transferred to the Commission and covered with their current status. The Commission shall establish, supervise and administer a Commission to be known as the "Alabama Travel Commission."

Section 2. (a) The Commission shall consist of twelve members who shall be residents and qualified electors of the State of Alabama and no such member of the Commission shall hold any other office of profit or trust of the United States or the State of Alabama. In addition to the twelve members herein provided for, the Governor of Alabama shall serve as ex-officio chairman of the Commission; the Director of the State Highway Department, the Director of the Department of Public Safety, the Commissioner of the Department of Conservation and Natural Resources, and the Director of the

State Department of Finance shall serve as ex-officio members. The five ex-officio members shall hold office as such throughout their respective terms and until the appointment and qualification of their successors as such. Eight members of the Commission shall be appointed by the Governor and shall be selected, one each, from a list of three nominees submitted by each of the following organizations: The Alabama Hotel and Motel Association, Inc.; the Alabama Restaurant Association; the Alabama Travel Council, Inc.; the Alabama Broadcasters Association; the Alabama Press Association; the Chamber of Commerce Executives Association; the Alabama Hotel Sales Managers Association; and one member representing services and attractions. The initial appointment of members from the nominees of the Alabama Hotel Sales Managers Association, the Alabama Broadcasters Association and the Chamber of Commerce Executives Association of Alabama, shall be for a period of three years; the initial appointment of members from the nominees of the Alabama Restaurant Association, the Alabama Press Association, and the Alabama Travel Council, Inc., shall be for a period of two years; the initial appointment of members from the nominees of the Alabama Hotel and Motel Association, Inc., and the nominee representing services and attractions shall be for a period of one year. Members appointed after the expiration of the initial appointments, except members appointed to fill unexpired terms, which such members shall serve out the unexpired term, shall be appointed for three years and any member may be reappointed. Four members at large from the travel industry will be appointed by the Commission. One of these members will serve for a period of one year, one will serve for a period of two years, one will serve for a period of three years and one will serve for a period of four years. Members appointed by the Commission at large after the expiration of the initial appointments, except members appointed to fill unexpired terms, which such members shall serve out the unexpired term, shall be appointed for four years and any member may be reappointed.

(b) Members of the Commission may be removed from office upon impeachment on the grounds and in the manner prescribed in Section 174 of the Constitution of Alabama.

(c) Each member of the Commission shall be entitled to receive an allowance for actual expenses not to exceed the current State per diem for each day he is actively engaged in the performance of duties, plus an allowance for expenses of official travel in connection with duties at a rate not to exceed the rate per mile paid State of Alabama employees.

Section 3. (a) The Commission shall elect from its members a vice chairman who shall preside in the absence of the Governor and who is not an ex-officio member of the Commission. The Commission shall provide for its rules for regular meetings and special meetings which shall be had upon call of the chairman, vice chairman or a majority of the members. A majority of those present at any meeting of the Commission shall constitute a quorum for the transaction of business.

(b) The Commission shall elect from its members an executive committee which shall be composed of five members, not more than one of whom shall be an ex-officio member, and which shall have the power and authority to act for the Commission in the interim between meetings of the full Commission. A majority of those present at any meeting of the executive committee shall constitute a quorum for the transaction of business.

Section 4. The Commission shall appoint a Commissioner who shall



serve as director of the Commission and who shall serve at the pleasure of and be responsible to the Commission. The Commissioner's initial salary shall be set by the Commission. The Commissioner shall be the chief administrative officer of the Commission and shall serve as its secretary, and the Commission may delegate any of its administrative powers and authority to this person. The Commissioner shall be of good character with good business experience, experience in tourism, and experience in travel promotion management. The Commissioner shall have no financial interest in any partnership, corporation or association with which the Commission has any financial dealings. The Commissioner, with the approval of the Commission, shall have authority to appoint Assistant Commissioners and to define their duties; the initial salaries, to be fixed by the Commission. The Commissioner, with the approval of the Commission, may appoint such officers and employees as it may require for the performance of its duties and shall fix and determine their qualifications, compensation, duties and authority, but all employees of the Commission shall be subject to the provisions of the Merit System Act where applicable; with the exception of the Commissioner and any Assistant Commissioners.

Section 5. The fiscal year of the Commission shall end September 30 of each year. At the end of each fiscal year, the Commission shall submit a written report of its activities to the Governor and to whomever the Commission may deem appropriate. The Commission may, from time to time, make recommendations to the Governor and to the Legislature, based upon study and analysis, for development and promotion of travel and advertising programs in connection therewith.

Section 6. It is hereby intended that the Commission shall succeed to all the rights, powers, duties, authority and obligations, together with all the funds, property, books, records and effects of the State Bureau of Publicity and Information and the Director of Publicity, and that whenever the words "State Bureau of Publicity and Information" or "Director of Publicity" are used in the laws of this State, such words shall be construed and taken to mean the Alabama Travel Commission.

Section 7. The State Bureau of Publicity and Information and the office of the Director of Publicity are hereby abolished and all funds, property, books, records and effects of every kind whatsoever are hereby transferred to the Commission.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 10. The provisions of Section 1 through 9 of this Act shall become effective on January 20, 1979. The State Bureau of Publicity or any officer or agent thereof, shall not expend, prior to January 20, 1979, more than 25% of the amount of funds appropriated to such Bureau for the fiscal year ending September 30, 1979.

Which was adopted.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Edwards, Fine, Foshee, Gilmore, Goodwin,

Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Proctor, St. John, Shelby, Stewart, Teague, Waldrop.

—26

*Nays:*

—0

Mr. Baker offered the following amendment to the Bill, S. B. 386, as amended by the substitute, to-wit:

#### AMENDMENT TO S. B. 386, AS AMENDED

Amend Senate Bill No. 386 Page 5 Line 23, by striking out after the word "dealings" the words beginning with "The Commission" to and including the word "but," on line 31

Also on page 5, line 31 change the word "all" to the word "All."

Also on line 33 of page 5 put a period (".") after the word "Commissioner" and delete the remainder of that sentence.

Which was adopted.

Yeas 19; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Waldrop.

—19

*Nays:*

—0

Mr. Baker then offered the following amendment to the Bill, S. B. 386, as amended, to-wit:

#### AMENDMENT TO S. B. 386, (AS AMENDED)

Amend Senate Bill No. 386 Page 5 Line 11, by inserting after the word "who" the following:

", after confirmation by the Senate,"

Which was adopted.

Yeas 20; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Peden, Perloff, Roberts, St. John, Shelby, Stewart, Waldrop.

—20

*Nays:*

—0

And said Bill, S. B. 386, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Edwards, Fine, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Peden, Perloff, Powell, Roberts, St. John, Shelby, Teague, Waldrop.

—21

*Nays:*

—0

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 370. To authorize and direct the state forester to establish a steering committee to represent rural community fire departments and to define the duties of said committee; and to authorize the state forester to establish other committees as needed for advice in other forestry matters.

U. W. CLEMON,  
Chairman.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 303. To authorize municipalities which retain their municipal courts to retain funds collected as "fair trial tax" and to use such funds to defray the costs of providing representation for indigent defendants in their courts; to require that such municipalities remit to the state treasury any funds collected as "fair trial tax" which are not used in providing representation for indigent defendants in their courts, notwithstanding the provisions of Article 5, Chapter 19, Title 12, Code of Alabama, 1975; to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Jones, King, Little, McDonald (A), Mims, Mitchell, Noonan, Pearson, Peden, Roberts, St. John, Shelby, Teague, Vacca.

—19

*Nays:*

—0

The Bill:

S. 405. To establish a student assistance program in the State of Alabama to be known as the Alabama Guaranteed Student Loan Program, which will guarantee loans made by approved lenders to residents of Alabama who are attending or plan to attend qualified institutions in the State or elsewhere, for the purpose of assisting them in meeting educational expenses; to set forth legislative findings and purposes underlying the Program; to designate the Alabama Commission on Higher Education to administer the program; to vest the Alabama Commission on Higher Education with the powers and duties reasonably needed for the effective implementation and administration of the Program; to provide for periodic auditing of approved institutions; to provide a penalty for false statements of misrepresentation in connection with the Program; to establish continuance of the Program; to designate the Attorney General as legal counsel for the Program; to make an appropriation establishing the Program from the Special Educational Trust Fund; to provide for severability; to repeal conflicting laws; and to provide an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 5.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Goodwin, Jones, King, Little, McMillan Noonan, Peden, Perloff, Proctor, Roberts, Shelby, Vacca, Waldrop.

—18

*Nays:*

Messrs. Fine, Foshee, McDonald (A), St. John, Teague

—5

The Bill:

S. 652. To provide for a fee to be paid for filing or recording any instrument conveying real estate or any interest therein and for such fee to be forwarded to the State Treasurer; to provide for the disposition of said funds by the State Treasurer; to provide that all funds paid out by the State Treasurer shall be budgeted and allotted; and further providing that any monies in the Land Surveys Fund in excess of \$100,000.00 at the end of any state fiscal year shall be transferred into the General Fund of the State.

was taken up.

On motion of Mr. Mims, further consideration of the Bill, S. B. 652, was postponed temporarily.

The Bill:

S. 429. To exempt the Alabama Chapter of the Leukemia Society of

America from the payment of all state, county and municipal sales and use taxes.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Jones, King, Little, Mims, Noonan, Owen, Peden, Perloff, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—24

*Nays:*

—0

The Bill:

S. 603. To authorize certain counties to adopt by reference the provisions of building, plumbing, gas, mechanical, electrical, housing, fire prevention, safety, and other codes prepared by model code organizations and technical trade associations, with exceptions; to provide for the administration of such standards and penalties for violations thereof; to authorize the collection of certain fees; and to define the areas where such county codes will be applicable.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Jones, King, Little, McDonald (A), Mims, Noonan, Owen, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—26

*Nay:* Mr. Gilmore.

—1

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 444.

The following shall be the continuing and paramount order of business immediately upon adoption of this resolution for this 28th legislative day taking precedence over all business for said day:

|           |                       |
|-----------|-----------------------|
| S. B. 244 | General Fund          |
| S. B. 48  | Alabama State Library |
| S. B. 221 | Commercial feeds      |
| S. B. 214 | Dauphin Island        |
| S. B. 358 | Occupational Therapy  |

|           |                             |
|-----------|-----------------------------|
| S. B. 183 | Fuel Tax Exempt             |
| S. B. 674 | Code Supplement             |
| S. B. 672 | Dental Practitioners        |
| S. B. 283 | Mileage Reimbursement       |
| S. B. 36  | Consumer Protection         |
| S. B. 64  | Motorized Bicycles          |
| S. B. 65  | Motorized Bicycles          |
| S. B. 171 | Driver License Notification |

On motion of Mr. Clemon, said Resolution was adopted by the Senate.

#### RECESS

At 1:50 P.M., on motion of Mr. Edwards, the Senate took a recess until 2:05 this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

**H. J. R. 78. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:**

1. That the level of government rendering the largest number of services and providing the greatest variety of internal improvements in our state is municipal government.
2. That the daily lives of our citizens are more closely affected by the governments of our home towns and home cities than by any other branch of our governmental system.
3. That approximately sixty (60) percent of the residents of this state now reside in urban communities and the growth toward urbanization is continuing at an accelerating pace.
4. That there is a considerable amount of overlapping between the functions and services rendered by the state, the counties and the municipalities which require an in-depth study of municipal government with the view of providing improved services at less cost to the taxpayers and to eliminate, where possible, any expenditure of public funds in (the provision of) duplication of services by more than one branch of our government.
5. That it is important to the citizens of this state, both urban and rural, that there be a sound administration of municipal affairs and that this Legislature study the needs of the municipalities in order to provide them with the legal tools necessary to furnish reasonable and adequate municipal administration to our citizens.

6. That it has been almost two decades since the Legislature has had an Interim Committee to study municipal government in Alabama and that the time is now appropriate for this Legislature to create an Interim Committee on Municipal Government; and Now, Therefore,

BE IT FURTHER RESOLVED, that in order to suggest to State Legislatures sound, workable, financially feasible and economically possible methods of administration for Alabama's municipal governments, there is hereby created an Interim Committee on Municipal Government of the Legislature of Alabama, to be composed of nine (9) members of the Legislature—five (5) from the House, to be appointed by the Speaker of the House, and four (4) from the Senate, to be appointed by the Lieutenant Governor. It shall be the duty and function of the Committee to completely analyze the present status of municipal government in Alabama and to make such recommendations for legislation and constitutional revision which it considers necessary or desirable to enable the municipal governments of this state to better meet and supply the needs and demands of their citizens.

In reviewing the status and laws of municipal governments in Alabama, the Committee shall consider but shall not limit its consideration to the following items:

(1) The functions and responsibilities of municipal governments in providing services and facilities to the residents of the incorporated towns and cities of the state, and whether or not additional legislation is needed or desirable to enable said towns and cities to provide reasonable and adequate standards of municipal services and facilities;

(2) The legal framework of municipal government in Alabama, the power and authority presently enjoyed by municipal governments heretofore granted by the Legislature, and the restrictions placed on municipal governments by the Legislature and whether or not there is need for legislation to broaden the powers and authority of said municipal governments so as to give them more freedom in fulfilling their responsibilities to the urban citizens of the state;

(3) The financial support of municipal government in Alabama and what legislation, if any, is needed to provide more adequate financial resources for support of said municipal governments;

(4) The impact of industrialization and rapid urbanization on the ability of municipal governments to provide reasonable and adequate standards of services and facilities to urban citizens and what legislation is necessary or desirable to enable such municipal governments to provide a better standard of services and facilities in a period of rapid growth and expansion, including urban rehabilitation, industrial development, transportation, annexation, solid waste disposal, waste water treatment, provision of utility services, municipal personnel administration, personnel training and human resource development, law enforcement, fire protection, street maintenance and construction, traffic control, recreation and the coordination of state and federal urban assistance programs.

BE IT FURTHER RESOLVED, that the Committee shall not consume more than forty-five (45) working days in performing its functions and that its work be finished in time for the preparation of a preliminary report to be submitted during the first month of the 1979 Regular Session of the Legislature of Alabama and a final report to be submitted at the opening of the 1980 Regular Session of the Legislature of Alabama and that as far as practicable that all meetings of the Committee be held in the State Capital and be open to

the public. The Committee is hereby empowered to employ one clerk, who shall be a competent stenographer, and who shall be paid in accordance with the present rate of pay for legislative clerks, and employ such other personnel, including reporters and attorneys, as the Committee shall deem necessary. The Committee is hereby empowered and authorized to expend funds for the purpose of correspondence with prospective witnesses, in preparation of reports and in general expenses incident to the work of the Committee. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman, provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session. The chairman of the committee shall certify the sums due to the clerk or other employees of the committee. The total amount of funds expended by the committee in carrying out the study shall not exceed the sum of Thirty-five Thousand Dollars (\$35,000.00). The Lieutenant Governor and the Speaker of the House shall jointly designate one of the members of the Committee as Chairman and one member to be Vice-Chairman. The Lieutenant Governor and the Speaker of the House shall be ex officio members of the Committee and shall receive compensation at the rate paid other members for each day that they sit with the Committee in its work on the subjects and problems listed in this resolution, or in handling any other matters agreed upon by the Committee in line with the general purpose of the Committee. Only elected members of the Alabama Legislature shall serve on the committee. No legislator whose term has expired shall serve on the committee.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 78, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Rich:

H. J. R. 424. NAMING A PORTION OF ALABAMA HIGHWAY 68, THE "J. B. BURKHALTER HIGHWAY."

WHEREAS, James Brunson Burkhalter, a native of Cherokee County, was for eight years a member of the Alabama Legislature; he was elected to the House of Representatives in 1950 and served his district and state with great ability and dedication from 1951 to 1959; and

WHEREAS, our beloved former colleague was a prominent and influential leader in his county; he further was actively and deeply involved in the religious, civic and charitable affairs of his community as a member of the Centre First United Methodist Church, a member of the Centre Chamber of Commerce, and as a charter member of the Centre Lions Club; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in memory and in honor of the



late James Brunson Burkhalter, this body hereby names and designates that portion of Alabama Highway 68, from the U. S. 411 intersection in Leesburg to the DeKalb County line, the "J. B. Burkhalter Highway."

BE IT FURTHER RESOLVED, That the Highway Department is hereby authorized and directed to erect and maintain appropriate signs and markers so designating said portion of Alabama Highway 68 as the "J. B. Burkhalter Highway."

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 424, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Boles, Trammell, Armstrong:

H. J. R. 23. NOTIFYING THE UNITED STATES CONGRESS OF THE INTENT OF THE ALABAMA LEGISLATURE REGARDING THE SOCIAL SECURITY SYSTEM AS RECENTLY RESTRUCTURED BY LAW.

WHEREAS, recent legislation enacted by the Congress of the United States and signed into law by President Carter drastically restructured the Social Security System both as to the maximum ceiling on income subject to tax and as to the percentage of withholdings mandated for the American wage earner, to be matched by his employer; graduated scales as set by law will now place a rapidly rising financial burden on both employee and employer to the extent that contributions in many cases will increase from \$965 a year apiece to \$3,046 by 1987 for both worker and employer; and

WHEREAS, employees of the State of Alabama are now covered by Social Security requiring the state to match contributions which foreseeably will become an onerous financial drain on state funds; alternative supplemental retirement plans or benefits are available, however, which could provide the same or even more beneficial financial security at less burden to both employee and employer alike; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, by copy of this resolution, the Congress of the United States be notified forthwith of the intent of the Alabama Legislature to conduct an in-depth study of the Social Security System as recently restructured with the possibility of such findings resulting in an exemption of Alabama state employees from said coverage.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to each member of the Alabama Congressional Delegation in Washington, D. C., that they may be individually and specifically made aware of the intent of this body.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 23, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Rich:

H. J. R. 426. NAMING THE INTERSECTION OF U. S. 411 AND COUNTY ROADS 31 AND 13, THE "JORDANS CROSSROADS."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body hereby names and designates the intersection of U. S. Highway 411 and County Roads 31 and 13 in Cherokee County, Alabama, the "Jordans Crossroads."

BE IT FURTHER RESOLVED, That the Highway Department is hereby authorized and directed to erect and maintain appropriate signs and markers so designating said intersection as the "Jordans Crossroads."

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 426, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Rich:

H. J. R. 425. NAMING COUNTY ROAD 102 IN CHEROKEE COUNTY, ALABAMA, THE "VICKIE DAVIS MACKEY ROAD."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, in honor and memory of the late Vickie Davis Mackey, this body hereby names and designates County Road 102, in Cherokee County, Alabama, the "Vickie Davis Mackey Road."

BE IT FURTHER RESOLVED, That the Highway Department is hereby authorized and directed to erect and maintain appropriate signs and markers so designating said road as the "Vickie Davis Mackey Road."

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 425, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## SPECIAL ORDER

## BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first item of which was the Bill:

H. 244. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, and for interest on the public debt and for the public schools for the fiscal year beginning October 1, 1978.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 244, to-wit:

## COMMITTEE SUBSTITUTE FOR H. B. 244

A BILL  
TO BE ENTITLED  
AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, and for interest on the public debt and for the public schools for the fiscal year beginning October 1, 1978.

Be It Enacted by the Legislature of Alabama:

Section 1. The monies in Section 2 are appropriated from the named funds for the 1978-79 fiscal year to the state agency indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the total for all programs are shown by source of funds. It is intended that only the named funds be appropriated to the agency concerned; and that the following definitions shall be applicable:

(a) "Appropriation Total" shall mean the aggregate total of all fund sources.

(b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the needs of an identified clientele, or group of recipients or beneficiaries.

(c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.

(d) "Debt Service" shall mean an expenditure for the payment of interest and principal on all bonded debt obligations of the State, and shall be expended only for such purposes.

Section 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for other functions of government, for the principal and interest on the public debt, and for the public schools for the fiscal year ending September 30, 1979, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Act No. 494, 1976 Regular Session. Provided, however, that if the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State Employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

|   | General<br>Fund | Trust<br>Fund | Total     |
|---|-----------------|---------------|-----------|
| <b>I. LEGISLATIVE:</b>  |                 |               |           |
| <b>A. THE LEGISLATIVE SYSTEM:</b>   |                 |               |           |
| <b>1. LEGISLATURE:</b>  |                 |               |           |
| (a) Legislative Operations and Support Program .....  |                 |               | 1,500,000 |
| (b) National Conference of State Legislators .....  |                 |               | 30,530    |
| (For the purpose of paying the State's share of the operation of the National Conference of the State Legislatures.)  |                 |               |           |
| <b>SOURCE OF FUNDS:</b>   |                 |               |           |
| (1) State General Fund .....  | 1,530,530       |               |           |
| Total Legislature .....   | 1,530,530       |               | 1,530,530 |
| <b>2. LEGISLATIVE COUNCIL:</b>  |                 |               |           |
| (a) Legislative Operations and Support Program .....  |                 |               | 50,000    |
| For Operations of the Council (including out-of-state travel by Council members and members of the Legislature authorized to attend Legislative conferences by joint resolution of the Legislature) |                 |               |           |
| <b>SOURCE OF FUNDS:</b>   |                 |               |           |
| (1) State General Fund .....  | 50,000          |               |           |
| Total Legislative Council .....   | 50,000          |               | 50,000    |
| <b>3. LEGISLATIVE FISCAL OFFICE:</b>  |                 |               |           |
| (a) Legislative Operations and Support Program .....  |                 |               | 310,000   |

## SOURCE OF FUNDS:

|                              |         |  |
|------------------------------|---------|--|
| (1) State General Fund ..... | 310,000 |  |
|                              |         |  |

|                                      |         |         |
|--------------------------------------|---------|---------|
| Total Legislative Fiscal Office. ... | 310,000 | 310,000 |
|--------------------------------------|---------|---------|

## 4. LEGISLATIVE REFERENCE SERVICE:

|  |  |         |
|--|--|---------|
| (a) Legislative Operations and Support Program ..... |  | 491,640 |
|--|--|---------|

## SOURCE OF FUNDS:

|                              |         |  |
|------------------------------|---------|--|
| (1) State General Fund ..... | 491,640 |  |
|                              |         |  |

|                                     |         |         |
|-------------------------------------|---------|---------|
| Total Legislative Reference Service | 491,640 | 491,640 |
|-------------------------------------|---------|---------|

## 5. DEPARTMENT OF EXAMINERS OF PUBLIC ACCOUNTS:

|  |  |           |
|--|--|-----------|
| (a) Legislative Support—Audit Services Program ..... |  | 2,070,000 |
|--|--|-----------|

## SOURCE OF FUNDS:

|                              |           |  |
|------------------------------|-----------|--|
| (1) State General Fund ..... | 2,070,000 |  |
|                              |           |  |

|  |           |           |
|--|-----------|-----------|
| Total Department of Examiners of Public Accounts ..... | 2,070,000 | 2,070,000 |
|--|-----------|-----------|

## II. JUDICIAL:

## A. THE JUDICIAL SYSTEM:

## 1. COURT OF CIVIL APPEALS:

|                                  |  |         |
|----------------------------------|--|---------|
| (a) Court Operations Program ... |  | 118,866 |
|----------------------------------|--|---------|

|  |  |         |
|--|--|---------|
| (b) Court Support Services Program ..... |  | 238,134 |
|--|--|---------|

## SOURCE OF FUNDS:

|                              |         |  |
|------------------------------|---------|--|
| (1) State General Fund ..... | 357,000 |  |
|                              |         |  |

|                                   |         |         |
|-----------------------------------|---------|---------|
| Total Court of Civil Appeals .... | 357,000 | 357,000 |
|-----------------------------------|---------|---------|

## 2. COURT OF CRIMINAL APPEALS:

|                                  |  |         |
|----------------------------------|--|---------|
| (a) Court Operations Program ... |  | 540,000 |
|----------------------------------|--|---------|

## SOURCE OF FUNDS:

|                              |         |  |
|------------------------------|---------|--|
| (1) State General Fund ..... | 540,000 |  |
|                              |         |  |

|                                   |         |         |
|-----------------------------------|---------|---------|
| Total Court of Criminal Appeals . | 540,000 | 540,000 |
|-----------------------------------|---------|---------|

## 3. DISTRICT ATTORNEYS:

|                                  |  |           |
|----------------------------------|--|-----------|
| (a) Court Operations Program ... |  | 3,310,000 |
|----------------------------------|--|-----------|

The proposed spending plan included in the above total is as follows:

|                                      |         |
|--------------------------------------|---------|
| Salaries of District Attorneys ..... | 936,000 |
|--------------------------------------|---------|

|  |         |
|--|---------|
| Salary of elected Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit .....                 | 23,000  |
| Salary of the appointed Assistant Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit ..... | 3,600   |
| Salaries and expenses of Supernumerary District Attorneys .....  | 367,000 |
| Salaries of Assistant District Attorneys of the 1st Judicial Circuit .....   | 32,400  |
| Salaries of Assistant District Attorneys of the 2nd Judicial Circuit .....   | 25,800  |
| Salaries of Assistant District Attorneys of the 3rd Judicial Circuit .....   | 33,643  |
| Salaries of Assistant District Attorneys of the 4th Judicial Circuit .....   | 124,436 |
| Salaries of Assistant District Attorneys of the 5th Judicial Circuit .....   | 102,400 |
| Salaries of Assistant District Attorneys of the 6th Judicial Circuit .....   | 16,800  |
| Salaries of Assistant District Attorneys of the 7th Judicial Circuit .....   | 62,150  |
| Salaries of Assistant District Attorneys of the 8th Judicial Circuit .....   | 29,180  |
| Salaries of Assistant District Attorneys of the 9th Judicial Circuit .....   | 54,900  |
| Salaries of Assistant District Attorneys of the 10th Judicial Circuit .....  | 144,000 |
| Salaries of Assistant District Attorneys of the 11th Judicial Circuit .....  | 35,600  |
| Salaries of Assistant District Attorneys of the 12th Judicial Circuit .....  | 31,025  |
| Salaries of Assistant District Attorneys of the 13th Judicial Circuit .....  | 90,000  |

|   |         |
|---|---------|
| Salaries of Assistant District Attorneys of the 14th Judicial Circuit ..... | 43,058  |
| Salaries of Assistant District Attorneys of the 15th Judicial Circuit ..... | 126,250 |
| Salaries of Assistant District Attorneys of the 16th Judicial Circuit ..... | 61,000  |
| Salaries of Assistant District Attorneys of the 17th Judicial Circuit ..... | 29,000  |
| Salaries of Assistant District Attorneys of the 18th Judicial Circuit ..... | 38,303  |
| Salaries of Assistant District Attorneys of the 19th Judicial Circuit ..... | 37,080  |
| Salaries of Assistant District Attorneys of the 20th Judicial Circuit ..... | 69,865  |
| Salaries of Assistant District Attorneys of the 21st Judicial Circuit ..... | 38,600  |
| Salaries of Assistant District Attorneys of the 22nd Judicial Circuit ..... | 42,637  |
| Salaries of Assistant District Attorneys of the 23rd Judicial Circuit ..... | 63,000  |
| Salaries of Assistant District Attorneys of the 24th Judicial Circuit ..... | 31,000  |
| Salaries of Assistant District Attorneys of the 25th Judicial Circuit ..... | 27,000  |
| Salaries of Assistant District Attorneys of the 26th Judicial Circuit ..... | 85,650  |
| Salaries of Assistant District Attorneys of the 27th Judicial Circuit ..... | 53,800  |
| Salaries of Assistant District Attorneys of the 28th Judicial Circuit ..... | 29,000  |
| Salaries of Assistant District Attorneys of the 29th Judicial Circuit ..... | 37,900  |

|  |                  |
|--|------------------|
| Salaries of Assistant District Attorneys of the 30th Judicial Circuit .....  | 34,000           |
| Salaries of Assistant District Attorneys of the 31st Judicial Circuit .....  | 31,400           |
| Salaries of Assistant District Attorneys of the 32nd Judicial Circuit .....  | 24,000           |
| Salaries of Assistant District Attorneys of the 33rd Judicial Circuit .....  | 29,200           |
| Salaries of Assistant District Attorneys of the 34th Judicial Circuit .....  | 21,489           |
| Salaries of Assistant District Attorneys of the 35th Judicial Circuit .....  | 33,000           |
| Salaries of Assistant District Attorneys of the 36th Judicial Circuit .....  | 21,800           |
| Salaries of Assistant District Attorneys of the 37th Judicial Circuit .....  | 30,600           |
| Salaries of Assistant District Attorneys of the 38th Judicial Circuit .....  | 34,623           |
| Travel Expense of District Attorneys .....   | 50,000           |
| Telephone Service, Stationery, Stamps and necessary Office Supplies for office use of District Attorneys, Deputy District Attorneys or Assistants (provided, however, that none of this appropriation shall be expended for books and equipment purchases) ..... | 74,821           |
|  | <u>3,310,000</u> |

## SOURCE OF FUNDS:

|                                |                  |           |
|--------------------------------|------------------|-----------|
| (1) State General Fund .....   | <u>3,310,000</u> |           |
| Total District Attorneys ..... | 3,310,000        | 3,310,000 |

## 4. JUDICIAL RETIREMENT SYSTEM:

|                                      |  |           |
|--------------------------------------|--|-----------|
| (a) Retirement Systems Program ..... |  | 3,000,000 |
|--------------------------------------|--|-----------|

## SOURCE OF FUNDS:

|  |                  |           |
|--|------------------|-----------|
| (1) State General Fund .....           | <u>3,000,000</u> |           |
| Total Judicial Retirement System ..... | 3,000,000        | 3,000,000 |



## 5. SUPREME COURT:

|                                    |           |
|------------------------------------|-----------|
| (a) Court Operations Program . . . | 1,415,700 |
|------------------------------------|-----------|

## SOURCE OF FUNDS:

|  |           |       |           |
|--|-----------|-------|-----------|
| (1) State General Fund . . . . .                     | 1,410,000 |       |           |
| (2) Federal, Local and Miscellaneous Funds . . . . . |           | 5,700 |           |
|  |           | <hr/> |           |
| Total Supreme Court . . . . .                        | 1,410,000 | 5,700 | 1,415,700 |

## 6. UNIFIED JUDICIAL SYSTEM:

|                                    |            |
|------------------------------------|------------|
| (a) Court Operations Program . . . | 22,592,239 |
|------------------------------------|------------|

|   |           |
|---|-----------|
| (b) Administrative Services Program . . . . . | 1,579,761 |
|---|-----------|

## SOURCE OF FUNDS:

|                                     |                   |            |
|-------------------------------------|-------------------|------------|
| (1) State General Fund . . . . .    | <u>24,172,000</u> |            |
| Total Unified Judicial System . . . | 24,172,000        | 24,172,000 |

## III. EXECUTIVE:

A. DEPARTMENTS, AGENCIES,  
AND OTHER ESSENTIAL  
FUNCTIONS OF THE EXECU-  
TIVE BRANCH:1. ALABAMA ACADEMY OF  
HONOR:

|   |       |
|---|-------|
| (a) Historical Resources Management Program . . . . . | 1,500 |
|---|-------|

## SOURCE OF FUNDS:

|   |              |       |
|---|--------------|-------|
| (1) State General Fund pursuant to provisions of Act No. 15, Third Special Session 1965 . . . . . | <u>1,500</u> |       |
| Total Alabama Academy of Honor  | 1,500        | 1,500 |

2. ALABAMA STATE BOARD OF  
PUBLIC ACCOUNTANCY:

|  |         |
|--|---------|
| (a) Professional and Occupational Licensing and Regulation Program . . . . . | 120,000 |
|--|---------|

## SOURCE OF FUNDS:

|  |         |
|--|---------|
| (1) State Board of Public Accountancy Fund . . . . . | 120,000 |
|--|---------|

In addition to the amounts appropriated hereinabove to the Alabama State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for

|  |         |           |           |
|--|---------|-----------|-----------|
| license which may have been rejected by the Board of withdrawn by request of applicant.  |         |           |           |
| Total Alabama State Board of Public Accountancy .....  | 120,000 |           | 120,000   |
| 3. BOARD OF ADJUSTMENT:  |         |           |           |
| (a) Special Services Program ....  |         |           | 165,000   |
| SOURCE OF FUNDS:   |         |           |           |
| (1) State General Fund for the General Fund Contribution to the total expenditure of \$350,000 pursuant to Title 41, Chapter 9, Section 73 of the Code of Alabama 1975 ..... | 65,000  |           |           |
| (2) State General Fund for expenditures as provided in Act No. 208, 1966 Special Session and Act No. 436, 1967 Regular Session, Estimated .....                              | 100,000 |           |           |
| Total Board of Adjustment .....  | 165,000 |           | 165,000   |
| 4. DEPARTMENT OF AERONAUTICS:  |         |           |           |
| (a) Airport Development and Regulation of Air Transportation Program .....   |         |           | 733,000   |
| SOURCE OF FUNDS:   |         |           |           |
| (1) Airport Development Fund as provided by Act No. 402, 1945 Acts, page 620 .....   |         | 576,500   |           |
| (2) Surplus Military Fields Fund .....   |         | 156,500   |           |
| Total Department of Aeronautics .....  |         | 733,000   | 733,000   |
| 5. COMMISSION ON AGING:  |         |           |           |
| (a) Planning and Advocacy for Elderly Program .....  |         |           | 8,948,302 |
| SOURCE OF FUNDS:   |         |           |           |
| (1) State General Fund—Transfer to Commission on Aging Fund .....  | 225,000 |           |           |
| (2) Federal, Local and Miscellaneous Funds .....   |         | 8,723,302 |           |
| Total Commission on Aging .....  | 225,000 | 8,723,302 | 8,948,302 |
| 6. AGRICULTURAL CENTER BOARD:  |         |           |           |
| (a) Agricultural Development Services Program .....  |         |           | 500,000   |

## SOURCE OF FUNDS:

|  |         |         |         |
|--|---------|---------|---------|
| (1) State General Fund for expenses and awarding of prizes for fairs as provided by Act No. 1122, 1969 Regular Session ..... | 90,000  |         |         |
| (2) State General Fund—Transfer  | 310,000 |         |         |
| (3) Livestock Coliseum Fund ....   |         | 100,000 |         |
| Total Agricultural Center Board  | 400,000 | 100,000 | 500,000 |

## 7. DEPARTMENT OF AGRICULTURE AND INDUSTRIES:

|   |  |  |           |
|---|--|--|-----------|
| (a) Administrative Services Program .....                 |  |  | 650,312   |
| (b) Agricultural Inspection Services Program .....        |  |  | 7,543,746 |
| (c) Laboratory Analysis and Disease Control Program ..... |  |  | 443,544   |

## SOURCE OF FUNDS:

|  |           |           |  |
|--|-----------|-----------|--|
| (1) State General Fund—Transfer  | 4,150,000 |           |  |
| (2) Federal, Local and Miscellaneous Funds .....   |           | 1,671,997 |  |
| (3) Egg Inspection Fund .....  |           | 1,240     |  |
| (4) Meat Inspection Fund .....   |           | 46,913    |  |
| (5) Shipping Point Inspection Fund pursuant to Act No. 26, Legislature of 1956, approved March 23, 1956. All fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping Point Inspection, grading and classification services for agricultural products including services furnished for weighing and issuing weight certificates to be used for the sale of agricultural commodities ..... |           | 3,234,000 |  |
| (6) Agricultural Fund (Any surplus remaining in the Agricultural Fund at the end of the fiscal year in excess of \$150,000 shall be transferred to the State General Fund.) .....  |           | 2,232,517 |  |

|   |           |           |            |
|---|-----------|-----------|------------|
| Total Department of Agriculture<br>and Industries ..... | 4,150,000 | 7,186,667 | 11,336,667 |
|---|-----------|-----------|------------|

8. ALABAMA AGRICULTURAL  
AND INDUSTRIAL EXHIBIT  
COMMISSION:

|  |  |  |        |
|--|--|--|--------|
| (a) Agricultural Development<br>Services Program ..... |  |  | 36,000 |
|--|--|--|--------|

SOURCE OF FUNDS:

|                              |               |  |  |
|------------------------------|---------------|--|--|
| (1) State General Fund ..... | <u>36,000</u> |  |  |
|------------------------------|---------------|--|--|

|   |        |  |        |
|---|--------|--|--------|
| Total Alabama Agricultural and<br>Industrial Exhibit Commission . | 36,000 |  | 36,000 |
|---|--------|--|--------|

9. ALABAMA ALCOHOLIC  
BEVERAGE CONTROL  
BOARD:

|  |  |  |            |
|--|--|--|------------|
| (a) Alcoholic Beverage Manage-<br>ment Program ..... |  |  | 15,054,942 |
|--|--|--|------------|

|  |  |  |           |
|--|--|--|-----------|
| (b) Licensing and Enforcement<br>Program ..... |  |  | 5,388,700 |
|--|--|--|-----------|

|  |  |  |           |
|--|--|--|-----------|
| (c) Administrative Services Pro-<br>gram ..... |  |  | 1,349,408 |
|--|--|--|-----------|

The above programs shall include transfers to State Personnel Department of \$64,970, to Mental Health Department of \$1,000,000 and to Telephone Revolving Fund of \$11,340.

SOURCE OF FUNDS:

|                           |            |  |  |
|---------------------------|------------|--|--|
| (a) ABC Stores Fund ..... | 16,404,350 |  |  |
|---------------------------|------------|--|--|

|                                   |           |  |  |
|-----------------------------------|-----------|--|--|
| (2) Beer Excise Tax and Licensing | 1,904,388 |  |  |
|-----------------------------------|-----------|--|--|

|                                  |           |  |  |
|----------------------------------|-----------|--|--|
| (3) Law Enforcement Division ... | 3,484,312 |  |  |
|----------------------------------|-----------|--|--|

In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn for operation during the same period. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for

the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population.

Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alabama Alcoholic Beverage Control Board .....

21,793,050    21,793,050

10. BOARD FOR REGISTRATION OF ARCHITECTS:

(a) Professional and Occupational Licensing and Regulation Program .....

44,500

SOURCE OF FUNDS:

(1) Board of Architects Trust Fund as provided in Title 34, Chapter 2, Code of Alabama 1975, as

Amended .....

44,500

Total Board for Registration of Architects .....

44,500

44,500

## 11. ARCHIVES AND HISTORY:

|   |         |
|---|---------|
| (a) Historical Resources Management Program ..... | 350,000 |
|---|---------|

## SOURCE OF FUNDS:

|                                  |                |         |
|----------------------------------|----------------|---------|
| (1) State General Fund .....     | <u>350,000</u> |         |
| Total Archives and History ..... | 350,000        | 350,000 |

## 12. OFFICE OF THE ATTORNEY GENERAL:

|   |           |
|---|-----------|
| (a) Legal Advice and Legal Services Program ..... | 1,600,000 |
|---|-----------|

## SOURCE OF FUNDS:

|  |                  |           |
|--|------------------|-----------|
| (1) State General Fund .....               | <u>1,600,000</u> |           |
| Total Office of the Attorney General ..... | 1,600,000        | 1,600,000 |

## 13. STATE AUDITOR

|                                 |         |
|---------------------------------|---------|
| (a) Fiscal Management Program . | 475,000 |
|---------------------------------|---------|

## SOURCE OF FUNDS:

|                              |                |         |
|------------------------------|----------------|---------|
| (1) State General Fund ..... | <u>475,000</u> |         |
| Total State Auditor .....    | 475,000        | 475,000 |

## 14. STATE BANKING DEPARTMENT:

|   |           |
|---|-----------|
| (a) Charter, License, and Regulate Financial Institutions Program | 1,407,038 |
|---|-----------|

## SOURCE OF FUNDS:

|   |                |           |
|---|----------------|-----------|
| (1) Banking Assessment Fees as provided in Act No. 373, 1965 Regular Session .....  | 944,278        |           |
| (2) Bureau of Credit Unions as provided in Act No. 2293, 1971 Regular Session ..... | 132,712        |           |
| (3) Loan Examination Fund as provided in Act No. 374, 1959 Regular Session .....    | 30,048         |           |
| (4) State General Fund—Transfer .....   | <u>300,000</u> |           |
| Total State Banking Department .  | 300,000        | 1,107,038 |
|   |                | 1,407,038 |

## 15. ALABAMA STATE BAR ASSOCIATION:

|  |         |
|--|---------|
| (a) Professional and Occupational Licensing and Regulation Program ..... | 390,575 |
|--|---------|

## SOURCE OF FUNDS:

|                                 |  |
|---------------------------------|--|
| (1) State Bar Association Fund, |  |
|---------------------------------|--|

|  |         |                  |           |
|--|---------|------------------|-----------|
| pursuant to Title 34, Chapter 3,<br>Code of Alabama 1975 .....   |         | <u>390,575</u>   |           |
| Total Alabama State Bar Association .....  |         | 390,575          | 390,575   |
| 16. BEAR CREEK DEVELOPMENT AUTHORITY:  |         |                  |           |
| (a) Water Resource Development Program .....   |         |                  | 125,303   |
| SOURCE OF FUNDS:   |         |                  |           |
| (1) State General Fund .....   | 31,500  |                  |           |
| (2) Federal, Local and Miscellaneous Funds .....   |         | <u>93,803</u>    |           |
| Total Bear Creek Development Authority .....   | 31,500  | 93,803           | 125,303   |
| 17. BUILDING COMMISSION:   |         |                  |           |
| (a) Special Services Program ....  |         |                  | 560,077   |
| SOURCE OF FUNDS:   |         |                  |           |
| (1) State General Fund .....   | 100,000 |                  |           |
| (2) Federal, Local and Miscellaneous Funds .....   |         | <u>460,077</u>   |           |
| Total Building Commission .....  | 100,000 | 460,077          | 560,077   |
| 18. ALABAMA STATE BOARD OF CHIROPRACTIC EXAMINERS:   |         |                  |           |
| (a) Professional and Occupational Licensing and Regulation Program .....                                       |         |                  | 21,100    |
| SOURCE OF FUNDS:   |         |                  |           |
| (1) Alabama State Board of Chiropractic Examiner's Fund as provided in Act No. 108, 1959 Regular Session ..... |         | <u>21,100</u>    |           |
| Total Alabama State Board of Chiropractic Examiners .....  |         | 21,100           | 21,100    |
| 19. DEPARTMENT OF CIVIL DEFENSE:   |         |                  |           |
| (a) Readiness and Recovery Program .....   |         |                  | 2,492,487 |
| SOURCE OF FUNDS:   |         |                  |           |
| (1) State General Fund .....   | 240,000 |                  |           |
| (2) Federal, Local and Miscellaneous Funds .....   |         | <u>2,252,487</u> |           |
| Total Department of Civil Defense .....  | 240,000 | 2,252,487        | 2,492,487 |

## 20. DEPARTMENT OF CON- SERVATION AND NATURAL RESOURCES:

|   |           |
|---|-----------|
| (a) Wildlife and Gamefish Man-<br>agement Program .....     | 8,318,409 |
| (b) State Land Management Pro-<br>gram .....                | 347,390   |
| (c) Outdoor Recreation Sites and<br>Services Program .....  | 8,587,145 |
| (d) Administrative Services Pro-<br>gram .....              | 1,171,014 |
| (e) Capital Outlay—Lightwood<br>Knot Creek State Park ..... | 600,000   |

### SOURCE OF FUNDS:

|                              |           |
|------------------------------|-----------|
| (1) Game and Fish Fund ..... | 6,886,119 |
| (2) State Lands Fund .....   | 347,390   |

The funds hereinabove appro-  
priated from the State Lands  
Fund includes funds for analyz-  
ing, cataloging and monitoring  
mineral reserves and the devel-  
opment thereof on State lands in-  
cluding water and offshore areas.

|                                 |         |
|---------------------------------|---------|
| (3) Marine Resources Fund ..... | 960,500 |
|---------------------------------|---------|

In addition to the monies here-  
inabove appropriated from the  
Marine Resources Fund, all  
monies derived from contracts,  
grants or other agreements con-  
cerning or relating to marine  
biological research performed or  
accomplished at the Marine Re-  
sources Division Laboratory at  
Dauphin Island is hereby ap-  
propriated and may be expended  
by the Director of Conservation  
on such Marine Resources Divi-  
sion Programs or projects which  
he dees appropriate.

|   |           |
|---|-----------|
| (4) Marine Police Fund .....  | 1,418,105 |
| (5) State General Fund—Transfer<br>to Parks Fund for Lightwood<br>Knot Creek State Park ..... | 600,000   |
| (6) Parks Fund .....  | 5,640,830 |
| (7) Administrative Funds .....  | 1,171,014 |

The funds hereinabove approp-  
riated shall be payable as pro-  
vided in Title 9, Chapter 2, Sec-  
tion 1, Code of Alabama 1975.



|   |            |            |            |
|---|------------|------------|------------|
| (8) State General Fund—Transfer to Parks Fund .....   | 2,050,000  |            |            |
| Total Department of Conservation and Natural Resources .....  | 2,600,000  | 16,423,958 | 19,023,958 |
| <b>21. GOVERNOR'S OFFICE OF CONSUMER PROTECTION:</b>  |            |            |            |
| (a) Fair Marketing Practices Program .....  |            |            | 223,440    |
| <b>SOURCE OF FUNDS:</b>   |            |            |            |
| (1) State General Fund .....  | 200,000    |            |            |
| (2) Federal, Local and Miscellaneous Funds .....  |            | 23,440     |            |
| Total Governor's Office of Consumer Protection .....  | 200,000    | 23,440     | 223,440    |
| <b>22. STATE LICENSING BOARD FOR GENERAL CONTRACTORS:</b>   |            |            |            |
| (a) Professional and Occupational Licensing and Regulation Program .....  |            |            | 168,000    |
| <b>SOURCE OF FUNDS:</b>   |            |            |            |
| (1) State Licensing Board for General Contractors Fund .....  |            | 168,000    |            |
| Pursuant to Title 34, Chapter 8, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors there is hereby appropriated as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant. |            |            |            |
| Total State Licensing Board for General Contractors .....   |            | 168,000    | 168,000    |
| <b>23. BOARD OF CORRECTIONS:</b>  |            |            |            |
| (a) Administrative Services and Logistical Support Program ....   |            |            | 1,625,009  |
| (b) Institutional Services Corrections Program .....  |            |            | 22,431,581 |
| (c) Correctional Industries Program .....   |            |            | 2,209,798  |
| <b>SOURCE OF FUNDS:</b>   |            |            |            |
| (1) State General Fund—Transfer   | 13,250,000 |            |            |

|   |           |
|---|-----------|
| (2) Federal, Local, and Miscellaneous Funds ..... | 2,000,000 |
| (3) Federal Revenue Sharing ....                  | 7,000,000 |
| (4) Board of Corrections Fund ...                 | 4,016,388 |

The Commissioner of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Board of Corrections. Any such grant funds so generated and in direct support of the Board of Corrections operations are also hereby appropriated.

|                                  |            |            |            |
|----------------------------------|------------|------------|------------|
| Total Board of Corrections ..... | 13,250,000 | 13,016,388 | 26,266,388 |
|----------------------------------|------------|------------|------------|

#### 24. ALABAMA BOARD OF COSMETOLOGY:

|  |         |
|--|---------|
| (a) Professional and Occupational Licensing and Regulation Program ..... | 262,000 |
|--|---------|

#### SOURCE OF FUNDS:

|   |         |
|---|---------|
| (1) Alabama Board of Cosmetology Fund pursuant to provisions of Act No. 653, 1957 Regular Session ..... | 262,000 |
|---|---------|

|  |         |         |
|--|---------|---------|
| Total Alabama Board of Cosmetology ..... | 262,000 | 262,000 |
|--|---------|---------|

#### 25. ALABAMA CRIMINAL JUSTICE INFORMATION SYSTEM:

|   |           |
|---|-----------|
| (a) Criminal Justice Information Services Program ..... | 1,725,562 |
|---|-----------|

#### SOURCE OF FUNDS:

|  |           |
|--|-----------|
| (1) State General Fund .....                     | 1,260,000 |
| (2) Federal, Local and Miscellaneous Funds ..... | 465,562   |

|   |           |         |           |
|---|-----------|---------|-----------|
| Total Alabama Criminal Justice Information System ..... | 1,260,000 | 465,562 | 1,725,562 |
|---|-----------|---------|-----------|

#### 26. ALABAMA DAIRY COMMISSION:

|                                   |         |
|-----------------------------------|---------|
| (a) Regulatory Services Program . | 447,000 |
|-----------------------------------|---------|

#### SOURCE OF FUNDS:

(1) Dairy Commission Fund as

|   |           |           |
|---|-----------|-----------|
| provided in Title 2, Chapter 13,<br>Code of Alabama 1975 .....  | 447,000   |           |
| Total Alabama Dairy Commission  | 447,000   | 447,000   |
| 27. ALABAMA DEVELOPMENT<br>OFFICE:  |           |           |
| (a) Administrative Services Pro-<br>gram .....  |           | 1,708,104 |
| (b) Industrial Development Pro-<br>gram .....   |           | 1,160,990 |
| (c) Planning Program .....  |           | 3,506,385 |
| (d) Alabama Energy Management<br>Program .....  |           | 400,081   |
| SOURCE OF FUNDS:  |           |           |
| (1) State General Fund—Transfer   | 2,000,000 |           |
| (2) Federal, Local and Miscellane-<br>ous Funds .....   | 4,775,560 |           |
| Total Alabama Development Office  | 2,000,000 | 4,775,560 |
| 28. STATE BOARD OF REGIS-<br>TRATION FOR PROFES-<br>SIONAL ENGINEERS AND<br>LAND SURVEYORS:   |           |           |
| (a) Professional and Occupational<br>Licensing and Regulation Pro-<br>gram .....  |           | 253,000   |
| SOURCE OF FUNDS:  |           |           |
| (1) Professional Engineers'<br>Fund—as provided in Title 34,<br>Chapter 11, Code of Alabama<br>1975, as amended, and Act No.<br>1049, 1975 Regular Session .... | 253,000   |           |
| Total State Board of Registration<br>for Professional Engineers and<br>Land Surveyors .....   | 253,000   | 253,000   |
| 29. ALABAMA ETHICS COM-<br>MISSION:   |           |           |
| (a) Regulation of Public Officials<br>and Employees Program .....   |           | 150,000   |
| SOURCE OF FUNDS:  |           |           |
| (1) State General Fund .....  | 150,000   |           |
| Total Alabama Ethics Commission   | 150,000   | 150,000   |
| 30. FARMERS' MARKET AU-<br>THORITY:   |           |           |
| (a) Agricultural Development<br>Services Program .....  |           | 155,000   |

## SOURCE OF FUNDS:

|   |        |         |         |
|---|--------|---------|---------|
| (1) State General Fund—Transfer   | 55,000 |         |         |
| (2) Farmers' Market Authority<br>Fund—Revenue and Capital<br>Outlay Account ..... |        | 100,000 |         |
| Total Farmers' Market Authority   | 55,000 | 100,000 | 155,000 |

31. DEPARTMENT OF FI-  
NANCE:

|  |  |  |           |
|--|--|--|-----------|
| (a) Fiscal Management Program .                        |  |  | 1,540,540 |
| (b) Administrative Support Ser-<br>vices Program ..... |  |  | 3,134,660 |

## SOURCE OF FUNDS:

|   |           |         |           |
|---|-----------|---------|-----------|
| (1) State General Fund .....  | 4,060,000 |         |           |
| Of the above appropriation in sub-<br>section (b) there is hereby au-<br>thorized \$15,000 to the Division<br>of Service to be used for operation<br>and maintenance of the Lurleen<br>B. Wallace Museum. |           |         |           |
| (2) Federal, Local and Miscellane-<br>ous Funds .....   |           | 615,200 |           |
| Total Department of Finance ....  | 4,060,000 | 615,200 | 4,675,200 |

32. FINANCE—TELEPHONE  
NETWORK FUND:

|  |  |  |           |
|--|--|--|-----------|
| (a) Administrative Support Ser-<br>vices Program ..... |  |  | 2,441,571 |
|--|--|--|-----------|

## SOURCE OF FUNDS:

|   |         |         |  |
|---|---------|---------|--|
| (1) State General Fund .....                                  | 532,000 |         |  |
| (2) Transfer from Alcoholic Bever-<br>age Control Board ..... |         | 11,340  |  |
| (3) Transfer from Agriculture and<br>Industries .....         |         | 20,000  |  |
| (4) Transfer from Public Service<br>Commission .....          |         | 16,740  |  |
| (5) Transfer from Revenue De-<br>partment .....               |         | 29,160  |  |
| (6) Transfer from Conservation—<br>Game and Fish .....        |         | 7,380   |  |
| (7) Transfer from Conservation—<br>Administrative .....       |         | 7,560   |  |
| (8) Transfer from State Forestry<br>Commission .....          |         | 19,440  |  |
| (9) Transfer from Highway De-<br>partment .....               |         | 112,808 |  |

|  |                |           |           |
|--|----------------|-----------|-----------|
| (10) Transfer from Mental Health                         | 186,440        |           |           |
| (11) Transfer from Pensions and Security .....           | 126,496        |           |           |
| (12) Transfer from Law Enforcement Planning Agency ..... | 10,800         |           |           |
| (13) Transfer from Industrial Relations .....            | 159,536        |           |           |
| (14) Transfer from Department of Education .....         | 900,000        |           |           |
| (15) Transfer from Accounts Receivable .....             | <u>301,871</u> |           |           |
| Total Finance—Telephone Network Fund .....               | 532,000        | 1,909,571 | 2,441,571 |

### 33. ALABAMA STATE BOARD OF REGISTRATION FOR FORESTERS:

|  |  |  |        |
|--|--|--|--------|
| (a) Professional and Occupational Licensing and Regulation Program ..... |  |  | 17,900 |
|--|--|--|--------|

#### SOURCE OF FUNDS:

|   |               |  |        |
|---|---------------|--|--------|
| (1) Professional Foresters' Fund .                            | <u>17,900</u> |  |        |
| Total Alabama State Board of Registration for Foresters ..... | 17,900        |  | 17,900 |

### 34. ALABAMA FORESTRY COMMISSION:

|  |  |           |  |
|--|--|-----------|--|
| (a) Forest Resource Protection Program .....                 |  | 5,069,226 |  |
| (b) Forest Resource Management and Development Program ..... |  | 1,774,567 |  |
| (c) Forestry Information and Education Program .....         |  | 200,000   |  |
| (d) Administrative Services Program .....                    |  | 637,653   |  |

#### SOURCE OF FUNDS:

|                                   |           |                  |  |
|-----------------------------------|-----------|------------------|--|
| (1) State General Fund—Transfer   | 3,100,000 |                  |  |
| (2) Federal and Local Funds ..... |           | 1,500,000        |  |
| (3) Forestry Commission Fund ...  |           | <u>3,081,486</u> |  |

It is provided that in the event receipts into the Forestry Commission Fund from County appropriations exceed the sum of \$500,000 then such excess is hereby appropriated. It is further provided that in the event receipts into the Forestry Commission Fund from Federal Funds

exceed the sum of \$1,000,000, then such excess is hereby appropriated. In the event of an emergency, so determined by the Director of the Forestry Commission with the approval of the Governor is hereby authorized to meet such emergency by transferring to and from any item of expenditure herein appropriated for use by the Forestry Commission.

Of the above appropriation \$100,000 shall be used for rural and community fire protection.

|   |           |           |           |
|---|-----------|-----------|-----------|
| Total Alabama Forestry Commission .....     | 3,100,000 | 4,374,255 | 7,681,446 |
| (e) Emergency Firefighting Operations ..... | 500,000   |           | 500,000   |

(Conditional upon the condition of the State General Fund and upon approval of the Governor, with also a State of Emergency being declared by the State Forester.)

### 35. ALABAMA HISTORICAL COMMISSION—FORT MORGAN:

|   |  |  |         |
|---|--|--|---------|
| (a) Historical Resources Management Program ..... |  |  | 135,000 |
|---|--|--|---------|

#### SOURCE OF FUNDS:

|  |        |        |  |
|--|--------|--------|--|
| (1) State General Fund .....                     | 85,000 |        |  |
| (2) Federal, Local and Miscellaneous Funds ..... |        | 50,000 |  |

|  |        |        |         |
|--|--------|--------|---------|
| Total Alabama Historical Commission—Fort Morgan .... | 85,000 | 50,000 | 135,000 |
|--|--------|--------|---------|

### 36. FUNERAL SERVICE, ALABAMA BOARD OF:

|  |  |  |        |
|--|--|--|--------|
| (a) Professional and Occupational Licensing and Regulation Program ..... |  |  | 81,900 |
|--|--|--|--------|

#### SOURCE OF FUNDS:

|   |  |        |  |
|---|--|--------|--|
| (1) Alabama Funeral Directors and Embalmers Fund as provided in Act No. 214, 1975 Regular Session ..... |  | 81,900 |  |
|---|--|--------|--|

|  |  |        |        |
|--|--|--------|--------|
| Total Alabama Board of Funeral Service ..... |  | 81,900 | 81,900 |
|--|--|--------|--------|

## 37. GEOLOGICAL SURVEY:

|   |  |  |           |
|---|--|--|-----------|
| (a) Discovery and Development of Minerals, Energy, and Water Resources, Geologic Research and Topographic Mapping Program . |  |  | 1,458,875 |
|---|--|--|-----------|

## SOURCE OF FUNDS:

|  |         |                |           |
|--|---------|----------------|-----------|
| (1) State General Fund . . . . .                     | 915,000 |                |           |
| (2) Federal, Local and Miscellaneous Funds . . . . . |         | <u>543,875</u> |           |
| Total Geological Survey . . . . .                    | 915,000 | 543,875        | 1,458,875 |

## 38. GORGAS MEMORIAL BOARD:

|   |  |  |        |
|---|--|--|--------|
| (a) Historical Resources Management Program . . . . . |  |  | 10,750 |
|---|--|--|--------|

## SOURCE OF FUNDS:

|   |       |              |        |
|---|-------|--------------|--------|
| (1) State General Fund—to provide for the appropriation authorized by Act No. 417, 1943 Acts, page 383 and an additional amount . . . . . | 9,000 |              |        |
| (2) Federal, Local and Miscellaneous Funds . . . . .  |       | <u>1,750</u> |        |
| Total Gorgas Memorial Board . . . .   | 9,000 | 1,750        | 10,750 |

## 39. GOVERNOR'S OFFICE:

|                                   |  |  |           |
|-----------------------------------|--|--|-----------|
| (a) Executive Direction Program . |  |  | 1,086,000 |
|-----------------------------------|--|--|-----------|

## SOURCE OF FUNDS:

|                                   |                  |  |           |
|-----------------------------------|------------------|--|-----------|
| (1) State General Fund . . . . .  | <u>1,086,000</u> |  |           |
| Total Governor's Office . . . . . | 1,086,000        |  | 1,086,000 |

## 40. HEALING ARTS, STATE LICENSING BOARD FOR THE:

|  |  |  |        |
|--|--|--|--------|
| (a) Professional and Occupational Licensing and Regulation Program . . . . . |  |  | 92,000 |
|--|--|--|--------|

## SOURCE OF FUNDS:

|   |  |               |        |
|---|--|---------------|--------|
| (1) State Licensing Board for the Healing Arts Fund . . . . . |  | <u>92,000</u> |        |
| Total State Licensing Board for the Healing Arts . . . . .    |  | 92,000        | 92,000 |

## 41. DEPARTMENT OF PUBLIC HEALTH:

|   |  |  |           |
|---|--|--|-----------|
| (a) Administrative Services Program . . . . . |  |  | 2,442,030 |
| (b) Health Support Services Program . . . . . |  |  | 7,158,466 |

|   |            |
|---|------------|
| (c) Personal Health Improvement Program .....   | 22,215,252 |
| (d) Environmental Health Improvement Program, provided that \$138,241 of such amount shall be used exclusively for the Alabama Water Improvement Commission ..... | 5,555,960  |
| (e) Special Services Program ....   | 1,143,424  |
| (f) Health Planning, Development and Regulation Program .....   | 2,954,453  |

## SOURCE OF FUNDS:

|   |           |            |            |
|---|-----------|------------|------------|
| (1) State General Fund .....  | 8,800,000 |            |            |
| (2) General and Mental Health Fund as provided in Act No. 654, 1965 Regular Session .....             |           | 1,600,000  |            |
| (3) General and Mental Health Fund as provided in Act No. 275, 1967 Regular Session, as amended ..... |           | 2,300,000  |            |
| (4) Vital Statistics Fund .....   |           | 804,247    |            |
| (5) Hospital Licensing Fund .....   |           | 76,780     |            |
| (6) Emergency Medical Services Fund as provided in Act No. 1590, 1971 Regular Session ....            |           | 33,643     |            |
| (7) Federal, Local and Miscellaneous Funds .....  |           | 27,716,674 |            |
| Total Department of Public Health   | 8,800     | 32,531,344 | 41,649,585 |

42. HEARING AID DEALERS,  
ALABAMA BOARD OF:

|  |        |
|--|--------|
| (a) Professional and Occupational Licensing and Regulation Program ..... | 15,400 |
|--|--------|

## SOURCE OF FUNDS:

|   |        |        |
|---|--------|--------|
| (1) Health—Hearing Aid Fund as provided in Act No. 2425, 1971 Regular Session ..... | 15,400 |        |
| Total Alabama Board of Hearing Aid Dealers .....                                    | 15,400 | 15,400 |

## 45. HIGHWAY DEPARTMENT:

|   |            |
|---|------------|
| (a) Central Administration Program .....            | 6,899,685  |
| (b) Division and District Supervision Program ..... | 11,882,453 |
| (c) Operations and Support Services Program .....   | 4,646,290  |



|  |             |
|--|-------------|
| (d) Maintenance Program .....  | 39,000,000  |
| (e) Non-Programmatic Expenditures .....  | 259,689,031 |
| Proposed Spending Plan for the<br>above (e) includes the following:  |             |
| Debt Service .....   | 40,493,350  |
| Equipment—Road Mach.   | 750,000     |
| Equipment—Other .....  | 550,000     |
| Federal Aid Matching   | 38,005,038  |
| For Construction of Feeder Roads<br>and other portions of, or work in<br>respect to, Federal Aid projects<br>for which portions or work Fed-<br>eral Matching Funds are not<br>available ..... | 3,000,000   |
| Operations Land and Buildings<br>.....   | 250,000     |
| Advanced Construction—Bonds<br>.....   | 18,000,000  |
| State Construction .....   | 4,429,898   |
| Federal Aid .....  | 154,210,745 |
|  | 259,689,031 |
| (f) Captive Counties Program ....  | 10,806,709  |
| (g) State Const. (Conditional) ....  | 3,500,000   |
| (h) Federal Aid Const.—State<br>Funds (Conditional) .....  | 3,429,898   |
| (i) Advance Construction Inter-<br>state—State Funds (Conditional)   | 2,000,000   |
| SOURCE OF FUNDS:   |             |
| (1) Public Road and Bridge Fund  | 138,906,714 |
| (2) Captive County Funds .....   | 10,806,709  |
| (3) Federal Revenue Sharing .....  | 11,000,000  |
| (4) Federal Aid .....  | 154,210,745 |
| (5) Bond Proceeds .....  | 18,000,000  |
| (6) Public Road and Bridge Fund<br>(Conditional) .....   | 2,500,000   |
| (7) Highway Finance Corp. Bonds<br>(Conditional) .....   | 5,429,898   |

There is hereby appropriated, for payment of the principle of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama,

Alabama Highway Authority, or Alabama Highway Finance Corporation, a total of \$40,493,350 or so much as may be necessary for payment of said principle and interest at their respective maturities, of the revenues pledged for such payment.

The Highway Director with the consent of the Governor and the Budget Office shall have the authority to transfer any appropriation or any portion thereof between and among subsections, (a) (b) (c) (d) (e) of this section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available.

In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable: In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:

- (1) the appropriations made for Debt Service in section (e) hereof shall be paid in full—
- (2) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purpose referred to in Sections (a) (b) (c) (d) (e) except for Debt Service, hereof shall be allocated among the purposes referred to in said Sections in such order and with such priorities as the State Highway Director shall from time to time direct.

The funds appropriated in section (e) hereof, for the matching Federal funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the

purposes for which such appropriation was made.

In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available.

Not later than ninety (90) days following the end of each fiscal year for which appropriations are made herein, the State Highway Director shall transmit to the Governor, Lieutenant Governor, and each member of the Legislature, a report stating the portions of each appropriation made herein that have been spent in each county in the State during the fiscal year then ended.

|  |               |                  |             |
|--|---------------|------------------|-------------|
| TOTAL HIGHWAY DEPARTMENT .....                               | —0—           | 332,924,168      | 332,924,168 |
| HIGHWAY DEPARTMENT—<br>CONDITIONAL .....                     | —0—           | 7,929,898        | 7,929,898   |
| 44. HIGHWAY AND TRAFFIC<br>SAFETY, OFFICE OF:                |               |                  |             |
| (a) Traffic Control and Accident<br>Prevention Element ..... |               |                  | 2,788,000   |
| SOURCE OF FUNDS:   |               |                  |             |
| (1) State General Fund .....                                 | 88,000        |                  |             |
| (2) Federal, Local and Miscellane-<br>ous Funds .....        |               | <u>2,700,000</u> |             |
| Total Office and Highway and Traf-<br>fic Safety .....       | 88,000        | 2,700,000        | 2,788,000   |
| 45. HISTORIC CHATTAHOOCHEE<br>COMMISSION:                    |               |                  |             |
| (a) Historical Resources Manage-<br>ment Program .....       |               |                  | 79,000      |
| SOURCE OF FUNDS:   |               |                  |             |
| (1) State General Fund Transfer .                            | <u>79,000</u> |                  |             |
| Total Historic Chattahoochee<br>Commission .....             | 79,000        |                  | 79,000      |
| 46. ALABAMA HISTORICAL<br>COMMISSION:                        |               |                  |             |
| (a) Historical Resources Manage-<br>ment Program .....       |               |                  | 911,480     |

## SOURCE OF FUNDS:

|  |         |                |         |
|--|---------|----------------|---------|
| (1) State General Fund Transfer .                | 190,000 |                |         |
| (2) Federal, Local and Miscellaneous Funds ..... |         | <u>721,480</u> |         |
| Total Alabama Historical Commission .....        | 190,000 | 721,480        | 911,480 |

Of the above appropriation \$15,000 shall be used for Live in a Landmark.

## 47. DEPARTMENT OF INDUSTRIAL RELATIONS:

|   |  |  |             |
|---|--|--|-------------|
| (a) Manpower Development and Employment Opportunity Program ..... |  |  | 68,337,073  |
| (b) Unemployment Compensation Program .....                       |  |  | 157,590,194 |
| (c) Administrative Services Program .....                         |  |  | 2,126,699   |
| (d) Industrial Safety & Accident Prevention Program .....         |  |  | 1,499,573   |

## SOURCE OF FUNDS:

|  |         |                    |             |
|--|---------|--------------------|-------------|
| (1) State General Fund .....                     | 649,000 |                    |             |
| (2) Federal, Local and Miscellaneous Funds ..... |         | <u>228,904,539</u> |             |
| Total Department of Industrial Relations .....   | 649,000 | 228,904,539        | 229,553,539 |

## 48. STATE EMPLOYEES' INSURANCE BOARD:

|   |  |  |        |
|---|--|--|--------|
| (a) Administrative Support Services Program ..... |  |  | 62,000 |
|---|--|--|--------|

## SOURCE OF FUNDS:

|  |               |  |        |
|--|---------------|--|--------|
| (1) State General Fund .....                 | <u>62,000</u> |  |        |
| Total State Employees' Insurance Board ..... | 62,000        |  | 62,000 |

## 49. DEPARTMENT OF INSURANCE:

|                                   |  |  |           |
|-----------------------------------|--|--|-----------|
| (a) Regulatory Services Program . |  |  | 1,696,301 |
|-----------------------------------|--|--|-----------|

## SOURCE OF FUNDS:

|   |         |                |  |
|---|---------|----------------|--|
| (1) State General Fund .....  | 800,000 |                |  |
| (2) State Insurance Fund as provided in Title 27, Chapter 2, Section 25, Code of Alabama 1975 . |         | <u>767,315</u> |  |
| (3) Fire Marshals' Fund as provided in Act No. 1938, 1971 Reg-                                  |         |                |  |

ular Session, as amended. Any balance in excess of \$50,000 at the end of the fiscal year shall be transferred to the State General Fund .....

|  |         |         |           |
|--|---------|---------|-----------|
|  |         | 128,986 |           |
| Total Department of Insurance ...  | 800,000 | 896,301 | 1,696,301 |
| 50. DEPARTMENT OF LABOR:   |         |         |           |
| (a) Regulatory Services Program .  |         |         | 246,286   |
| SOURCE OF FUNDS:   |         |         |           |
| (1) State General Fund .....   | 200,000 |         |           |
| (2) Federal, Local and Miscellaneous Funds .....                               |         | 46,286  |           |
| Total Department of Labor .....  | 200,000 | 46,286  | 246,286   |
| 51. LaGRANGE HISTORICAL COMMISSION:  |         |         |           |
| (a) Historical Resources Management Program .....                              |         |         | 4,608     |
| SOURCE OF FUNDS:   |         |         |           |
| (1) State General Fund—as authorized by Act No. 551, 1943 Acts, page 540 ..... | 2,500   |         |           |
| (2) Federal, Local and Miscellaneous Funds .....                               |         | 2,108   |           |
| Total LaGrange Historical Commission .....                                     | 2,500   | 2,108   | 4,608     |
| 52. BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS:                                |         |         |           |
| (a) Professional and Occupational Licensing and Regulation Program .....       |         |         | 5,300     |
| SOURCE OF FUNDS:   |         |         |           |
| (1) Landscape Architects Funds ..  |         | 5,300   |           |
| Total Board of Examiners of Landscape Architects .....                         |         | 5,300   | 5,300     |
| 53. LAW ENFORCEMENT FUND:  |         |         |           |
| (a) Special Police Services Program .....                                      |         |         | 10,000    |
| SOURCE OF FUNDS:   |         |         |           |
| (1) State General Fund .....   | 10,000  |         |           |
| Total Law Enforcement Fund ....  | 10,000  |         | 10,000    |
| 54. ALABAMA LAW ENFORCEMENT PLANNING AGENCY:                                   |         |         |           |

|  |  |  |           |
|--|--|--|-----------|
| (a) Law Enforcement Planning and Development Program . . . . |  |  | 9,695,904 |
|--|--|--|-----------|

## SOURCE OF FUNDS:

|   |         |                  |           |
|---|---------|------------------|-----------|
| (1) State General Fund—for Matching Federal Funds . . . . . | 550,000 |                  |           |
| (2) Federal, Local and Miscellaneous Funds . . . . .        |         | <u>9,145,904</u> |           |
| Total Law Enforcement Planning Agency . . . . .             | 550,000 | 9,145,904        | 9,695,904 |

## 55. GAS BOARD, LIQUIFIED PETROLEUM:

|                                   |  |  |        |
|-----------------------------------|--|--|--------|
| (a) Regulatory Services Program . |  |  | 98,000 |
|-----------------------------------|--|--|--------|

## SOURCE OF FUNDS:

|   |  |               |        |
|---|--|---------------|--------|
| (1) L. P. Gas Board Fund . . . . .            |  | <u>98,000</u> |        |
| Total Liquefied Petroleum Gas Board . . . . . |  | 98,000        | 98,000 |

## 56. MEDICAL SERVICES ADMINISTRATION:

|   |  |  |             |
|---|--|--|-------------|
| (a) Medical Assistance through Medicaid Program . . . . . |  |  | 232,724,148 |
|---|--|--|-------------|

## SOURCE OF FUNDS:

|  |            |                    |             |
|--|------------|--------------------|-------------|
| (1) State General Fund . . . . .                     | 57,500,000 |                    |             |
| (2) Federal, Local and Miscellaneous Funds . . . . . |            | <u>175,224,148</u> |             |
| Total Medical Services Administration . . . . .      | 57,500,000 | 175,224,148        | 232,724,148 |

## 57. DEPARTMENT OF MENTAL HEALTH:

|   |  |  |            |
|---|--|--|------------|
| (a) Institutional Treatment and Care—Mental Illness Program .             |  |  | 43,035,388 |
| (b) Institutional Treatment and Care—Mental Retardation Program . . . . . |  |  | 34,803,548 |
| (c) Non-Institutional Treatment and Care Program . . . . .                |  |  | 19,749,038 |
| (d) Administrative Service Program . . . . .                              |  |  | 2,970,595  |

## SOURCE OF FUNDS:

|   |  |  |  |
|---|--|--|--|
| (1) Special Mental Health Fund—for operation and maintenance of the State Mental Health Department including the purchase of drugs to medically indigent mental patients not hospitalized |  |  |  |
|---|--|--|--|

|  |                   |             |
|--|-------------------|-------------|
| at time of receiving drugs at the<br>Alabama State Hospitals ..... | 56,967,711        |             |
| (2) Special Mental Health<br>Fund—Community Program ...            | 7,335,828         |             |
| (3) Transfer from ABC Profits ...                                  | 1,000,000         |             |
| (4) Cigarette Taxes .....  | 5,346,000         |             |
| (5) Federal, Local and Miscellaneous<br>Funds .....                | 16,909,030        |             |
| (6) Federal Revenue Sharing ....                                   | <u>13,000,000</u> |             |
| Total Department of Mental<br>Health .....                         | 100,558,569       | 100,558,569 |

#### 58. A—MILITARY DEPARTMENT:

|                                   |           |
|-----------------------------------|-----------|
| (a) Military Operations Program . | 2,893,020 |
| (b) Capital Outlay .....          | 546,980   |

#### SOURCE OF FUNDS:

|   |                  |           |
|---|------------------|-----------|
| (1) State General Fund—Transfer<br>Capital Outlay for the Armories<br>at Ashland, Winfield, Huntsville,<br>Jasper, and Sub-Surface<br>Soil Investigation .....  | 507,500          |           |
| (2) State General Fund Transfer<br>for Architect and Engineering<br>Services and Specifications for<br>the Armories at Arab, Atmore,<br>Eufaula and Ft. Payne .....   | 39,480           |           |
| (3) State General Fund—<br>Operations .....   | 764,894          |           |
| (4) State General Fund—<br>Quarterly Allowances Headquarters—Regular Allowance<br>Units to be used solely for operating<br>expenses; provided, that no<br>more than \$4,500 shall be allotted<br>in any fiscal year for the<br>Headquarters Alabama National<br>Guard ..... | 622,350          |           |
| (5) State General Fund—Active<br>Military Service .....   | 88,766           |           |
| (6) State General Fund—For<br>transfer to Armory Commission   | <u>1,417,010</u> |           |
| Total Military Department .....   | 3,440,000        | 3,440,000 |

#### 58. B—ARMORY COMMISSION OF ALABAMA:

|                                   |           |
|-----------------------------------|-----------|
| (a) Military Operations Program . | 2,021,318 |
|-----------------------------------|-----------|

## SOURCE OF FUNDS:

|  |           |  |
|--|-----------|--|
| (1) Transfer from Military Department .....      | 1,417,010 |  |
| (2) Federal, Local and Miscellaneous Funds ..... | 604,308   |  |

The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance, and construction of armories. Provided, however, that the last Federal Government service contract reimbursement shall not revert to the State General Fund. Any surplus remaining in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000 shall be transferred to the State General Fund.

|  |           |           |
|--|-----------|-----------|
| Total Armory Commission of Alabama ..... | 2,021,318 | 2,021,318 |
|--|-----------|-----------|

## 59. BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS:

|  |  |        |
|--|--|--------|
| (a) Professional and Occupational Licensing and Regulation Program ..... |  | 11,000 |
|--|--|--------|

## SOURCE OF FUNDS:

|  |        |  |
|--|--------|--|
| (1) Nursing Home Administration Fund ..... | 11,000 |  |
|--|--------|--|

|   |        |        |
|---|--------|--------|
| Total Board of Examiners of Nursing Home Administrators ..... | 11,000 | 11,000 |
|---|--------|--------|

## 60. OIL AND GAS BOARD:

|  |  |         |
|--|--|---------|
| (a) Management and Regulation of Oil and Gas Exploration and Development Program ..... |  | 746,000 |
|--|--|---------|

## SOURCE OF FUNDS:

|                              |         |  |
|------------------------------|---------|--|
| (1) State General Fund ..... | 746,000 |  |
|------------------------------|---------|--|

|                               |         |         |
|-------------------------------|---------|---------|
| Total Oil and Gas Board ..... | 746,000 | 746,000 |
|-------------------------------|---------|---------|

## 61. BOARD OF PARDONS AND PAROLES:

|   |  |           |
|---|--|-----------|
| (a) Administration of Pardons and Paroles Program ..... |  | 3,465,211 |
|---|--|-----------|



## SOURCE OF FUNDS:

|  |           |                  |           |
|--|-----------|------------------|-----------|
| (1) State General Fund .....                     | 2,310,631 |                  |           |
| (2) Federal, Local and Miscellaneous Funds ..... |           | <u>1,154,580</u> |           |
| Total Board of Pardons and Paroles               | 2,310,631 | 1,154,580        | 3,465,211 |

## 62. ALABAMA PEACE OFFICERS' ANNUITY AND BENEFIT FUND:

|                                |  |  |           |
|--------------------------------|--|--|-----------|
| (a) Retirement Systems Program |  |  | 1,779,700 |
|--------------------------------|--|--|-----------|

## SOURCE OF FUNDS:

|  |  |                  |           |
|--|--|------------------|-----------|
| (1) Peace Officers' Annuity and Benefit Fund as provided in Act No. 1210, 1971 Regular Session |  | <u>1,779,700</u> |           |
| Total Alabama Peace Officers' Annuity and Benefit Fund .....                                   |  | 1,779,700        | 1,779,700 |

## 63. PENSIONS:

- (a) Social Services Programs—for Confederate Veterans and their widows:

Such an amount as may be necessary to pay all the pensions allowed to Confederate soldiers and sailors and their widows.

## SOURCE OF FUNDS:

- (1) Proceeds from the levy of the one mill tax as provided by Title 40, Chapter 8, Section 361, Code of Alabama, 1975.

## 64. PENSIONS AND SECURITY:

|   |  |             |
|---|--|-------------|
| (a) Financial Assistance Program            |  | 107,541,035 |
| (b) Social Services Program .....           |  | 76,050,347  |
| (c) Food Assistance Program .....           |  | 11,884,857  |
| (c) Child Support Enforcement Program ..... |  | 4,601,677   |

## SOURCE OF FUNDS:

|  |             |
|--|-------------|
| (1) Federal, Local and Miscellaneous Funds ..... | 149,588,419 |
| (2) Liquor License Tax .....                     | 1,319,552   |
| (3) ABC Profits .....                            | 2,023,551   |
| (4) Whiskey Tax .....                            | 17,241,387  |
| (5) Beer Tax .....                               | 8,543,712   |
| (6) Pension Residue .....                        |             |

|   |               |             |
|---|---------------|-------------|
|   | 6,953,797     |             |
| (7) Sales Tax .....                           | 1,322,000     |             |
| (8) Franchise Tax .....                       | 7,412,361     |             |
| (9) Cigarette Tax .....                       | 4,252,993     |             |
| (10) Contractor's Gross Receipts<br>Tax ..... | 1,409,644     |             |
| (11) Pension Fund .....                       | <u>10,500</u> |             |
| Total Pensions and Security .....             | 200,077,916   | 200,077,916 |

It is provided that not more than four thousand (4,000) employees shall be paid for from the above appropriation.

#### 65. STATE PERSONNEL DEPARTMENT:

|  |           |
|--|-----------|
| (a) Administrative Support Program ..... | 1,350,056 |
|--|-----------|

#### SOURCE OF FUNDS:

|  |         |               |           |
|--|---------|---------------|-----------|
| (1) State General Fund Transfer .                        | 125,000 |               |           |
| (2) Federal, Local and Miscellaneous Funds .....         |         | 255,000       |           |
| (3) Transfer from Agriculture and Industries .....       |         | 20,162        |           |
| (4) Transfer from Alcoholic Beverage Control Board ..... |         | 64,970        |           |
| (5) Transfer from Conservation Department .....          |         | 30,244        |           |
| (6) Transfer from Board of Corrections .....             |         | 38,086        |           |
| (7) Transfer from State Docks ...                        |         | 6,722         |           |
| (8) Transfer from Education .....                        |         | 43,685        |           |
| (9) Transfer from Forestry Commission .....              |         | 21,281        |           |
| (10) Transfer from Highway Department .....              |         | 219,552       |           |
| (11) Transfer from Industrial Relations .....            |         | 62,730        |           |
| (12) Transfer from Department of Mental Health .....     |         | 230,752       |           |
| (13) Transfer from Pensions and Security .....           |         | 188,186       |           |
| (14) Transfer from Revenue Department .....              |         | <u>43,686</u> |           |
| Total State Personnel Department                         | 125,000 | 1,225,056     | 1,350,056 |

#### 66. BOARD OF PHYSICAL THERAPY:

|  |  |        |
|--|--|--------|
| (a) Professional and Occupational<br>Licensing and Regulation Pro-<br>gram ..... |  | 14,200 |
|--|--|--------|

## SOURCE OF FUNDS:

|                                   |               |        |
|-----------------------------------|---------------|--------|
| (1) Physical Therapist Fund ..... | <u>14,200</u> |        |
| Total Board of Physical Therapy . | 14,200        | 14,200 |

67. PREVAILING WAGE COM-  
MISSION:

|                                   |  |        |
|-----------------------------------|--|--------|
| (a) Regulatory Services Program . |  | 18,000 |
|-----------------------------------|--|--------|

## SOURCE OF FUNDS:

|   |               |        |
|---|---------------|--------|
| (1) State General Fund .....                | <u>18,000</u> |        |
| Total Prevailing Wage Commis-<br>sion ..... | 18,000        | 18,000 |

68. OFFICE OF PROSECUTION  
SERVICES:

|  |  |         |
|--|--|---------|
| (a) Prosecution, Training, Educa-<br>tion and Management Program |  | 140,600 |
|--|--|---------|

## SOURCE OF FUNDS:

|   |                |         |
|---|----------------|---------|
| (1) Federal, Local and Miscellane-<br>ous Funds ..... | <u>140,600</u> |         |
| Total Prosecution Services .....                      | 140,600        | 140,600 |

69. ALABAMA BOARD OF  
EXAMINERS IN PSYCHOL-  
OGY:

|  |  |        |
|--|--|--------|
| (a) Professional and Occupational<br>Licensing and Regulation Pro-<br>gram ..... |  | 10,200 |
|--|--|--------|

## SOURCE OF FUNDS:

|  |               |        |
|--|---------------|--------|
| (1) Board of Examiners of Psychol-<br>ogy Fund ..... | <u>10,200</u> |        |
| Total Board of Examiners in<br>Psychology .....      | 10,200        | 10,200 |

70. DEPARTMENT OF PUBLIC  
SAFETY:

|  |  |            |
|--|--|------------|
| (a) Traffic Control and Accident<br>Prevention Program ..... |  | 11,270,936 |
| (b) Criminal Investigation Pro-<br>gram .....                |  | 1,402,416  |
| (c) Public Safety Support Service<br>Program .....           |  | 5,311,715  |
| (d) Special Police Services Pro-<br>gram .....               |  | 345,054    |
| (e) Administrative Services Pro-                             |  |            |

|   |           |
|---|-----------|
| gram .....  | 1,453,540 |
| (f) Alabama Criminal Justice<br>Training Center Program ..... | 1,680,339 |

## SOURCE OF FUNDS:

|                              |                   |
|------------------------------|-------------------|
| (1) State General Fund ..... | <u>21,464,000</u> |
|------------------------------|-------------------|

Of the above appropriation  
\$600,000 shall be used for hiring  
additional troopers to patrol  
highways in the State.

Of the above appropriation  
\$400,000 shall be used for a re-  
volving fund to provide funding  
for grants and awards from Fed-  
eral agencies and other sources  
until reimbursement is received  
from the granting agency.

|                                   |            |            |
|-----------------------------------|------------|------------|
| Total Department of Public Safety | 21,464,000 | 21,464,000 |
|-----------------------------------|------------|------------|

## 71. PUBLIC SERVICE COMMISSION:

|  |           |
|--|-----------|
| (a) Regulatory Services Program .              | 1,795,683 |
| (b) Administrative Services Pro-<br>gram ..... | 704,317   |

## SOURCE OF FUNDS:

|   |                  |
|---|------------------|
| (1) Public Service Commission<br>Fund ..... | <u>2,500,000</u> |
|---|------------------|

The above appropriations to the  
Alabama Public Service Com-  
mission shall be payable only  
from inspection and supervision  
fees paid by utilities and trans-  
portation companies and such  
parts or percentage of fees and  
taxes paid by motor carrier or  
motor transportation companies  
as are now or may be set aside by  
law to be used by the Commis-  
sion. Any surplus remaining in  
the Alabama Public Service  
Commission at the end of the fis-  
cal year in excess of \$300,000  
shall be transferred to the State  
General Fund.

|                                   |           |           |
|-----------------------------------|-----------|-----------|
| Total Public Service Commission . | 2,500,000 | 2,500,000 |
|-----------------------------------|-----------|-----------|

72. BUREAU OF PUBLICITY  
AND INFORMATION:

|   |           |
|---|-----------|
| (a) Tourism and Travel Promotion<br>Program ..... | 1,622,687 |
|---|-----------|

## SOURCE OF FUNDS:

|   |                  |                  |            |
|---|------------------|------------------|------------|
| (1) State General Fund . . . . .  | 500,000          |                  |            |
| (2) Lodging Tax (1¢)—receipts collected under the provisions of Act No. 269, 1963 Regular Session . . . . .   |                  | <u>1,122,687</u> |            |
| Total Bureau of Publicity and Information . . . . .   | 500,000          | 1,122,687        | 1,622,687  |
| 73. ALABAMA REAL ESTATE COMMISSION:   |                  |                  |            |
| (a) Professional and Occupational Licensing and Regulation Program . . . . .  |                  |                  | 450,000    |
| SOURCE OF FUNDS:  |                  |                  |            |
| (1) Alabama Real Estate Commission Fund—as provided in Title 34, Chapter 27, Code of Alabama 1975, as amended, and the total expenditures shall in no manner exceed the amounts hereby appropriated . . . . . |                  | <u>450,000</u>   |            |
| Total Real Estate Commission . . . . .  |                  | 450,000          | 450,000    |
| 74. EMPLOYEES' RETIREMENT SYSTEM OF ALABAMA (GENERAL FUND'S PART):  |                  |                  |            |
| (a) Retirement System Program, Estimated . . . . .  |                  |                  | 7,000,000  |
| SOURCE OF FUNDS:  |                  |                  |            |
| (1) State General Fund, Estimated . . . . .   | <u>7,000,000</u> |                  |            |
| Total Employees' Retirement System of Alabama (General Fund's Part) . . . . .   | 7,000,000        |                  | 7,000,000  |
| 75. REVENUE DEPARTMENT:   |                  |                  |            |
| (a) State Revenue Administration Program . . . . .  |                  |                  | 16,902,284 |
| SOURCE OF FUNDS:  |                  |                  |            |
| (1) State General Fund . . . . .  | 250,000          |                  |            |
| Appropriated by Act No. 160, 3rd Special Session 1971, to maintain a program for the equalization of ad valorem tax assessments.  |                  |                  |            |
| (2) Transfer from the gross proceeds of Financial Institution Excise Tax Collections . . . . .  |                  | 177,584          |            |
| (3) Transfer from the gross proceeds of the Forest Severance Tax Collections . . . . .  |                  |                  | 180,646    |

|  |                  |
|--|------------------|
| (4) Transfer from the gross proceeds of Gasoline Tax Collections .....   | 1,184,917        |
| (5) Transfer from the Income Tax Collections .....   | 3,934,416        |
| (6) Transfer from the gross proceeds of Motor Fuel Tax Collections .....   | 684,313          |
| (7) Transfer from the gross proceeds of Motor Vehicle License Collections .....  | 691,969          |
| (8) Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax .....                   | 211,264          |
| (9) Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax .....             | 522,037          |
| (10) Transfer from the gross proceeds of Sales Tax Collections ..  | 5,474,502        |
| (11) Transfer from the gross proceeds of the Tobacco Tax Collections .....   | 1,128,274        |
| (12) Transfer from the gross proceeds of Use Tax Collections ...   | 538,877          |
| (13) Transfer from the gross proceeds of Cigarette Tax Collections, Act No. 275, 1967 Regular Session .....                | 228,105          |
| (14) Transfer from the gross proceeds of the Utility Tax Collections as provided in Act No. 37, 1969 Special Session ..... | 352,108          |
| (15) Federal, Local and Miscellaneous Funds .....  | <u>1,343,272</u> |

The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collection of the taxes as authorized by law.

Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated, to the Department of Revenue all sums allowed the

|  |                  |                  |            |
|--|------------------|------------------|------------|
| Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.                        |                  |                  |            |
| Total Revenue Department .....   | 250,000          | 16,652,284       | 16,902,284 |
| <b>76. REVENUE—AUTO TITLE AND ANTITHEFT:</b>   |                  |                  |            |
| (a) State Revenue Administration Program .....   |                  |                  | 1,000,000  |
| <b>SOURCE OF FUNDS:</b>  |                  |                  |            |
| (1) State General Fund Transfer .  | <u>1,000,000</u> |                  |            |
| Total Revenue—Auto Title and Antitheft .....   | 1,000,000        |                  | 1,000,000  |
| <b>77. REVENUE—BOARDS OF EQUALIZATION:</b>   |                  |                  |            |
| (a) State Revenue Administration Program .....   |                  |                  | 160,000    |
| <b>SOURCE OF FUNDS:</b>  |                  |                  |            |
| (1) State General Fund .....   | <u>160,000</u>   |                  |            |
| Total Revenue—Boards of Equalization .....   | 160,000          |                  | 160,000    |
| <b>78. REVENUE—MOTOR VEHICLE LICENSE:</b>  |                  |                  |            |
| (a) State Revenue Administration Program .....   |                  |                  | 2,019,000  |
| <b>SOURCE OF FUNDS:</b>  |                  |                  |            |
| (1) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags .    |                  | <u>2,019,000</u> |            |
| Total Revenue—Motor Vehicle License .....  |                  | 2,019,000        | 2,019,000  |
| <b>79. RICHMOND P. HOBSON MEMORIAL BOARD:</b>  |                  |                  |            |
| (a) Historical Resource Management Program .....   |                  |                  | 10,359     |
| <b>SOURCE OF FUNDS:</b>  |                  |                  |            |
| (1) State General Fund—to provide the appropriation authorized by Act No. 536, 1943 Acts, page 510, and an additional amount ..... | 8,500            |                  |            |
| (2) Richmond Pearson Hobson Operating Fund .....   |                  | <u>1,859</u>     |            |

|   |         |        |         |
|---|---------|--------|---------|
| Total Richmond Pearson Hobson Memorial Board .....  | 8,500   | 1,859  | 10,359  |
| 80. BOARD OF REGISTRATION FOR SANITARIANS:  |         |        |         |
| (a) Professional and Occupational Licensing and Regulation Program .....                                  |         |        | 3,700   |
| SOURCE OF FUNDS:  |         |        |         |
| (1) Registration Board of Sanitarians Funds—as provided in Act No. 209, 1964 Second Special Session ..... |         | 3,700  |         |
| Total Board of Registration for Sanitarians .....   |         | 3,700  | 3,700   |
| 81. SECRETARY OF STATE:   |         |        |         |
| (a) Administrative Support Services Program .....   |         |        | 290,000 |
| SOURCE OF FUNDS:  |         |        |         |
| (1) State General Fund .....  | 290,000 |        |         |
| Total Secretary of State .....  | 290,000 |        | 290,000 |
| 82. SECURITIES COMMISSION:  |         |        |         |
| (a) Regulatory Services Program .....   |         |        | 323,131 |
| SOURCE OF FUNDS:  |         |        |         |
| (1) State General Fund .....  | 250,000 |        |         |
| (2) Federal, Local and Miscellaneous Funds .....  |         | 57,131 |         |
| (3) Sales of Checks License Fund .....  |         | 6,000  |         |
| (4) Exemption Fund .....  |         | 10,000 |         |
| Total Securities Commission .....   | 250,000 | 73,131 | 323,131 |
| 83. SOCIAL SECURITY AGENCY:   |         |        |         |
| (a) Administrative Support Services Program .....   |         |        | 216,495 |
| SOURCE OF FUNDS:  |         |        |         |
| (1) State General Fund .....  | 200,000 |        |         |
| (2) Federal, Local and Miscellaneous Funds .....  |         | 16,495 |         |
| Total Social Security Agency .....  | 200,000 | 16,495 | 216,495 |
| 84. ALABAMA STATE BOARD OF SOCIAL WORK EXAMINERS:   |         |        |         |



|  |        |
|--|--------|
| (a) Professional and Occupational<br>Licensing and Regulation Pro-<br>gram ..... | 46,200 |
|--|--------|

## SOURCE OF FUNDS:

|   |        |        |
|---|--------|--------|
| (1) Alabama State Board of Social<br>Work Examiners Fund—as pro-<br>vided in Act No. 642, 1977 Regu-<br>lar Session ..... | 46,200 |        |
| Total Alabama State Board of So-<br>cial Work Examiners .....   | 46,200 | 46,200 |

85. ALABAMA STATE SOIL  
AND WATER CONSERVA-  
TION COMMITTEE:

|   |         |
|---|---------|
| (a) Water Resource Development<br>Program ..... | 407,000 |
|---|---------|

## SOURCE OF FUNDS:

|  |         |         |
|--|---------|---------|
| (1) State General Fund .....                                       | 407,000 |         |
| Total Alabama State Soil and<br>Water Conservation Committee ..... | 407,000 | 407,000 |

86. ALABAMA BOARD OF  
EXAMINERS FOR SPEECH  
PATHOLOGY AND AUDIOL-  
OGY:

|  |       |
|--|-------|
| (a) Professional and Occupational<br>Licensing and Regulation Pro-<br>gram ..... | 5,400 |
|--|-------|

## SOURCE OF FUNDS:

|  |       |       |
|--|-------|-------|
| (1) Alabama Board of Examiners<br>for Speech Pathology and Au-<br>diology Fund—as provided in Act<br>90, 4th Special Session, 1975 ... | 5,400 |       |
| Total Alabama Board of Examiners<br>for Speech Pathology and Au-<br>diology .....  | 5,400 | 5,400 |

87. SURFACE MINING RECLA-  
MATION COMMISSION:

|  |         |
|--|---------|
| (a) Industrial Safety and Accident<br>Prevention Program ..... | 512,694 |
|--|---------|

## SOURCE OF FUNDS:

|   |         |         |
|---|---------|---------|
| (1) Surface Mining Reclamation<br>Commission Fund ..... | 512,694 |         |
| Total Surface Mining Reclamation<br>Commission .....    | 512,694 | 512,694 |

88. TANNEHILL FURNACE  
AND FOUNDRY COMMIS-  
SION:

|   |                |                |           |
|---|----------------|----------------|-----------|
| (a) Historical Resources Management Program .....                             |                |                | 427,050   |
| SOURCE OF FUNDS:  |                |                |           |
| (1) State General Fund .....  | 25,000         |                |           |
| (2) Federal, Local and Miscellaneous Funds .....                              |                | <u>402,050</u> |           |
| Total Tannehill Furnace and Foundry Commission .....                          | 25,000         | 402,050        | 427,050   |
| 89. TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT AUTHORITY:                       |                |                |           |
| (a) Water Resource Development Program .....                                  |                |                | 406,786   |
| SOURCE OF FUNDS:  |                |                |           |
| (1) State General Fund—as provided in Act No. 355, 1957 Regular Session ..... | 150,000        |                |           |
| (2) Federal, Local and Miscellaneous Funds .....                              |                | <u>256,786</u> |           |
| Total Tennessee-Tombigbee Waterway Development Authority .                    | 150,000        | 256,786        | 406,786   |
| 90. DEPARTMENT OF TOXICOLOGY AND CRIMINAL INVESTIGATION:                      |                |                |           |
| (a) Forensic Science Service Program .....                                    |                |                | 1,520,000 |
| SOURCE OF FUNDS:  |                |                |           |
| (1) State General Fund .....  | 1,420,000      |                |           |
| (2) Federal, Local and Miscellaneous Funds .....                              |                | <u>100,000</u> |           |
| Total Department of Toxicology and Criminal Investigation ....                | 1,420,000      | 100,000        | 1,520,000 |
| 91. STATE TREASURER:  |                |                |           |
| (a) Fiscal Management Program .   |                |                | 700,000   |
| SOURCE OF FUNDS:  |                |                |           |
| (1) State General Fund .....  | <u>700,000</u> |                |           |
| Total State Treasurer .....   | 700,000        |                | 700,000   |
| 92. COMMISSION ON UNIFORM STATE LAWS:   |                |                |           |
| (a) Special Service Program .....   |                |                | 5,000     |
| SOURCE OF FUNDS:  |                |                |           |
| (1) State General Fund—total  |                |                |           |

|  |           |           |
|--|-----------|-----------|
| amount appropriated by Act No.<br>926, Acts 1951, page 1575 .....  | 5,000     |           |
| Total Commission on Uniform<br>State Laws .....  | 5,000     | 5,000     |
| 93. DEPARTMENT OF VETER-<br>ANS AFFAIRS:   |           |           |
| (a) Administration of Veterans Af-<br>fairs Program .....  |           | 1,250,000 |
| SOURCE OF FUNDS:   |           |           |
| (1) State General Fund .....   | 1,250,000 |           |
| Total Department of Veterans Af-<br>fairs .....  | 1,250,000 | 1,250,000 |
| 94. ALABAMA STATE BOARD<br>OF VETERINARY MEDICAL<br>EXAMINERS:   |           |           |
| (a) Professional and Occupational<br>Licensing and Regulation Pro-<br>gram .....                             |           | 11,500    |
| SOURCE OF FUNDS:   |           |           |
| (a) Veterinary Medical Examiners<br>Fund—as provided in Act No.<br>945, approved September 13,<br>1951 ..... | 11,500    |           |
| Total Alabama State Board of Vet-<br>erinary Medical Examiners ....  | 11,500    | 11,500    |
| 95. BOARD OF CERTIFICATION<br>FOR WATER AND WASTE<br>WATER SYSTEMS PERSON-<br>NEL:                           |           |           |
| (a) Professional and Occupational<br>Licensing and Regulation Pro-<br>gram .....                             |           | 4,800     |
| SOURCE OF FUNDS:   |           |           |
| (1) Operators Certification Fund<br>as provided in Act No. 1594, 1971<br>Regular Session .....               | 4,800     |           |
| Total Board of Certification for<br>Water and Waste Water Systems<br>Personnel .....                         | 4,800     | 4,800     |
| 96. ALABAMA WATER WELL<br>STANDARDS BOARD:   |           |           |
| (a) Professional and Occupational<br>Licensing and Regulation Pro-<br>gram .....                             |           | 57,600    |
| SOURCE OF FUNDS:   |           |           |
| (1) Water Well Standards Board   |           |           |

|   |               |        |
|---|---------------|--------|
| Fund—as provided in Act No.<br>1516, 1971 Regular Session . . . . | <u>57,600</u> |        |
| Total Alabama Water Well Standards Board . . . . .                | 57,600        | 57,600 |
| 97. ALABAMA WOMEN'S COMMISSION:                                   |               |        |
| (a) Employment and Social Opportunities Program . . . . .         |               | 12,000 |
| SOURCE OF FUNDS:  |               |        |
| (1) State General Fund . . . . .                                  | <u>12,000</u> |        |
| Total Alabama Women's Commission . . . . .                        | 12,000        | 12,000 |
| IV. SPECIAL APPROPRIATIONS:                                       |               |        |
| A. OTHER FUNCTIONS OF GOVERNMENT FUNDED FROM THE GENERAL FUND:    |               |        |
| 1. ADVERTISING LANDS FOR TAX SALE:                                |               |        |
| (a) State Revenue Administration Program, Estimated . . . . .     |               | 14,000 |
| SOURCE OF FUNDS:  |               |        |
| (1) State General Fund . . . . .                                  | <u>14,000</u> |        |
| Total Advertising Lands for Sale . . . . .                        | 14,000        | 14,000 |
| 2. ALABAMA COASTAL AREA BOARD:                                    |               |        |
| (a) Coastal Area Management Program . . . . .                     |               | 30,000 |
| SOURCE OF FUNDS:  |               |        |
| (1) State General Fund . . . . .                                  | <u>30,000</u> |        |
| Total Alabama Coastal Area Board . . . . .                        | 30,000        | 30,000 |
| 3. ARREST OF ABSCONDING FELONS:                                   |               |        |
| (a) Criminal Investigation Program, Estimated . . . . .           |               | 8,000  |
| SOURCE OF FUNDS:  |               |        |
| (1) State General Fund . . . . .                                  | <u>8,000</u>  |        |
| Total Arrest of Absconding Felons . . . . .                       | 8,000         | 8,000  |
| 4. AUTOMATIC APPEAL EXPENSE:                                      |               |        |
| (a) Legal Advice and Legal Service Program, Estimated . . . . .   |               | 3,000  |
| SOURCE OF FUNDS:  |               |        |

|  |         |         |
|--|---------|---------|
| (1) State General Fund as provided<br>in 1943 Acts of Legislature, page<br>217 .....         | 3,000   |         |
| Total Automatic Appeal Expense .   | 3,000   | 3,000   |
| 5. CIVIL COURT COSTS IN<br>CONNECTION WITH AD<br>VALOREM TAX ASSESS-<br>MENTS APPEALS:       |         |         |
| (a) State Revenue Administration<br>Program, Estimated .....                                 |         | 200     |
| SOURCE OF FUNDS:   |         |         |
| (1) State General Fund .....   | 200     |         |
| Total Civil Court Costs in Con-<br>nection with Ad Valorem Tax As-<br>sessment Appeals ..... | 200     | 200     |
| 6. CONSUMER UTILITY RATE<br>HEARING:   |         |         |
| (a) Executive Direction Program .  |         | 250,000 |
| SOURCE OF FUNDS:   |         |         |
| (1) State General Fund as provided<br>in Act No. 44, First Special Ses-<br>sion, 1977 .....  | 250,000 |         |
| Total Consumer Utility Rate Hear-<br>ing .....   | 250,000 | 250,000 |
| 7. COUNCIL OF STATE GOV-<br>ERNMENTS:  |         |         |
| (a) Legislative Operations and<br>Support Program .....                                      |         | 38,610  |
| SOURCE OF FUNDS:   |         |         |
| (1) State General Fund .....   | 38,610  |         |
| Total Council of State Govern-<br>ments .....  | 38,610  | 38,610  |
| 8. COURT COSTS—ACT NO. 558,<br>1957:   |         |         |
| (a) Court Operations Program, Es-<br>timated .....   |         | 240,000 |
| SOURCE OF FUNDS:   |         |         |
| (1) State General Fund pursuant<br>to Act No. 558, 1957, page 777 .                          | 240,000 |         |
| Total Court Costs—Act No. 558,<br>1957 .....   | 240,000 | 240,000 |
| 9. COURTS COSTS NOT<br>OTHERWISE PROVIDED FOR:   |         |         |
| (a) Legal Advice and Legal Service   |         |         |

|   |                |         |
|---|----------------|---------|
| Program, Estimated .....  |                | 250,000 |
| SOURCE OF FUNDS:  |                |         |
| (1) State General Fund .....  | <u>250,000</u> |         |
| Total Court Costs Not Otherwise<br>Provided For .....   | 250,000        | 250,000 |
| 10. DISTRIBUTION OF PUBLIC<br>DOCUMENTS:  |                |         |
| (a) Administrative Support Ser-<br>vice Program, Estimated .....  |                | 30,000  |
| SOURCE OF FUNDS:  |                |         |
| (1) State General Fund .....  | <u>30,000</u>  |         |
| Total Distribution of Public Docu-<br>ments .....   | 30,000         | 30,000  |
| 11. ECONOMIC AND COMMU-<br>NITY DEVELOPMENT:.....   |                |         |
|   |                | 500,000 |
| SOURCE OF FUNDS:  |                |         |
| (1) Federal Revenue Sharing ....  | <u>500,000</u> |         |
| Total Economic and Community<br>Development .....   | 500,000        | 500,000 |
| 12. ELECTION EXPENSES:  |                |         |
| (a) Special Services Program, Es-<br>timated .....  |                | 900,000 |
| SOURCE OF FUNDS:  |                |         |
| (1) State General Fund .....  | <u>900,000</u> |         |
| Total Election Expenses .....   | 900,000        | 900,000 |
| 13. DEPARTMENTAL EMER-<br>GENCY FUND:   |                |         |
| (a) Special Services Program ....   |                | 350,000 |
| SOURCE OF FUNDS:  |                |         |
| (1) State General Fund (This is the<br>appropriation contemplated in<br>Title 41, Chapter 4, Section 94,<br>Code of Alabama 1975, and shall<br>be the only amount appropriated<br>and the total amount expended<br>under the provisions of said sec-<br>tion) ..... | <u>350,000</u> |         |
| Total Departmental Emergency<br>Fund .....  | 350,000        | 350,000 |
| 14. FAIR TRIAL TAX TRANS-<br>FER:   |                |         |
| (a) Court Operations Program ...  |                | 100,000 |
| SOURCE OF FUNDS:  |                |         |

|  |                  |           |
|--|------------------|-----------|
| (1) State General Fund . . . . .   | <u>100,000</u>   |           |
| Total Fair Trial Tax Transfer . . . .  | 100,000          | 100,000   |
| 15. FEEDING OF PRISONERS:  |                  |           |
| (a) Institutional Services Corrections Program, Est. . . . .                       |                  | 3,000,000 |
| SOURCE OF FUNDS:   |                  |           |
| (1) State General Fund for expenses of feeding prisoners in county jails . . . . . | <u>3,000,000</u> |           |
| Total Feeding of Prisoners . . . . .   | 3,000,000        | 3,000,000 |
| 16. NATIONAL GOVERNORS' CONFERENCE:  |                  |           |
| (a) Executive Direction Program .  |                  | 30,075    |
| SOURCE OF FUNDS:   |                  |           |
| (1) State General Fund . . . . .   | <u>30,075</u>    |           |
| Total National Governors' Conference . . . . .                                     | 30,075           | 30,075    |
| 17. GOVERNOR'S COUNCIL-LOR:  |                  |           |
| (a) Executive Direction Program .  |                  | 18,000    |
| SOURCE OF FUNDS:   |                  |           |
| (1) State General Fund as provided in Act No. 596, Regular Session, 1977 . . . . . | <u>18,000</u>    |           |
| Total Governor's Councillor . . . . .  | 18,000           | 18,000    |
| 18. GOVERNORS' WIDOWS RETIREMENT:  |                  |           |
| (a) Executive Direction Program .  |                  | 14,400    |
| SOURCE OF FUNDS:   |                  |           |
| (1) State General Fund . . . . .   | <u>14,400</u>    |           |
| Total Governors' Widows Retirement . . . . .                                       | 14,400           | 14,400    |
| 19. STATE EMPLOYEES INSURANCE:   |                  |           |
| (a) Administrative Support Service Program, Estimated . . . . .                    |                  | 1,000,000 |
| SOURCE OF FUNDS:   |                  |           |
| (1) State General Fund . . . . .   | <u>1,000,000</u> |           |
| Total State Employees Insurance .  | 1,000,000        | 1,000,000 |
| 20. INTERPRETER'S ACCOUNT:   |                  |           |

|   |            |            |
|---|------------|------------|
| (a) Court Support Services Program, Estimated .....                                       |            | 100        |
| SOURCE OF FUNDS:  |            |            |
| (1) State General Fund to carry out provisions of Act No. 799, 1965 Regular Session ..... | 100        |            |
| Total Interpreter's Account .....   | 100        | 100        |
| 21. LAW ENFORCEMENT LEGAL DEFENSE:  |            |            |
| (a) Legal Advice and Legal Service Program .....  |            | 2,000      |
| SOURCE OF FUNDS:  |            |            |
| (1) State General Fund to carry out provisions of Act No. 259, 1957 Regular Session ..... | 2,000      |            |
| Total Law Enforcement Legal Defense .....   | 2,000      | 2,000      |
| 22. MAILING TAX NOTICES:  |            |            |
| (a) State Revenue Administration Program, Estimated .....                                 |            | 7,500      |
| SOURCE OF FUNDS:  |            |            |
| (1) State General Fund .....  | 7,500      |            |
| Total Mailing Tax Notices .....   | 7,500      | 7,500      |
| 23. MATCHING FEDERAL FUNDS NOT OTHERWISE PROVIDED FOR:                                    |            |            |
| (a) Court Operations Program ...  |            | 100,000    |
| SOURCE OF FUNDS:  |            |            |
| (1) State General Fund .....  | 100,000    |            |
| Total Matching Federal Funds Not Otherwise Provided For .....                             | 100,000    | 100,000    |
| 24. ALABAMA SPECIAL MENTAL HEALTH FUND: .....   |            | 23,750,000 |
| SOURCE OF FUNDS:  |            |            |
| (1) State General Fund Transfer .   | 23,750,000 |            |
| Total Alabama Special Mental Health Fund .....  | 23,750,000 | 23,750,000 |
| 25. PAYMENT OF ATTORNEYS' FEES IN INDIGENT CAPITAL CASES:                                 |            |            |
| (a) Court Operations Program, Estimated .....   |            | 25,000     |
| SOURCE OF FUNDS:  |            |            |



|  |         |         |
|--|---------|---------|
| (1) State General Fund as provided<br>in Act No. 176, 1947 Acts, page<br>61 .....  | 25,000  |         |
| Total Payment of Attorneys' Fees<br>in Indigent Capital Cases .....  | 25,000  | 25,000  |
| 26. PRINTING OF STATE AND<br>COUNTY PRIVILEGE LICEN-<br>SES:   |         |         |
| (a) State Revenue Administration<br>Program .....  |         | 10,000  |
| SOURCE OF FUNDS:   |         |         |
| (1) State General Fund .....   | 10,000  |         |
| Total Printing of State and County<br>Privilege Licenses .....   | 10,000  | 10,000  |
| 27. SPECIAL PROBATE JUD-<br>GES:   |         |         |
| (a) Institutional Treatment and<br>Care-Mental Illness Program ..  |         | 20,000  |
| SOURCE OF FUNDS:   |         |         |
| (1) State General Fund .....   | 20,000  |         |
| Total Special Probate Judges ....  | 20,000  | 20,000  |
| 28. PUBLIC DEFENDERS:  |         |         |
| (a) Court Operations Program ...   |         | 24,000  |
| SOURCE OF FUNDS:   |         |         |
| (1) State General Fund for salaries<br>of Public Defenders for the 21st<br>Judicial Circuit, as provided by<br>Act No. 1158, 1969 Regular Ses-<br>sion ..... | 24,000  |         |
| Total Public Defenders .....   | 24,000  | 24,000  |
| 29. REGISTRATION OF VOT-<br>ERS:   |         |         |
| (a) Special Services Program, Es-<br>timated .....   |         | 350,000 |
| SOURCE OF FUNDS:   |         |         |
| (1) State General Fund .....   | 350,000 |         |
| Total Registration of Voters .....   | 350,000 | 350,000 |
| 30. REMOVAL OF PRISONERS:  |         |         |
| (a) Special Police Services Pro-<br>gram, Estimated .....  |         | 75,000  |
| SOURCE OF FUNDS:   |         |         |
| (1) State General Fund .....   | 75,000  |         |
| Total Removal of Prisoners .....   | 75,000  | 75,000  |

### 31. STATE'S SHARE OF SOCIAL SECURITY:

|   |  |           |
|---|--|-----------|
| (a) Administrative Support Service Program, Estimated ..... |  | 2,000,000 |
|---|--|-----------|

#### SOURCE OF FUNDS:

|                              |                  |  |
|------------------------------|------------------|--|
| (1) State General Fund ..... | <u>2,000,000</u> |  |
|------------------------------|------------------|--|

|  |           |           |
|--|-----------|-----------|
| Total State's Share of Social Security ..... | 2,000,000 | 2,000,000 |
|--|-----------|-----------|

### 32. STATE TREASURER—PREVIOUS YEAR'S UNPAID WARRANTS:

|   |  |        |
|---|--|--------|
| (a) Special Services Program, Estimated ..... |  | 50,000 |
|---|--|--------|

#### SOURCE OF FUNDS:

|                              |               |  |
|------------------------------|---------------|--|
| (1) State General Fund ..... | <u>50,000</u> |  |
|------------------------------|---------------|--|

|   |        |        |
|---|--------|--------|
| Total State Treasurer—Previous Years' Unpaid Warrants ..... | 50,000 | 50,000 |
|---|--------|--------|

### 33. UTILITY AUDIT COMMITTEE:

|                                   |  |         |
|-----------------------------------|--|---------|
| (a) Executive Direction Program . |  | 100,000 |
|-----------------------------------|--|---------|

#### SOURCE OF FUNDS:

|                              |                |  |
|------------------------------|----------------|--|
| (1) State General Fund ..... | <u>100,000</u> |  |
|------------------------------|----------------|--|

|                                   |         |         |
|-----------------------------------|---------|---------|
| Total Utility Audit Committee ... | 100,000 | 100,000 |
|-----------------------------------|---------|---------|

### 34. FOR PRINTING OF LEGISLATIVE ACTS AND JOURNALS, ESTIMATED:

|  |  |         |
|--|--|---------|
| (a) Administrative Support Services Program, Estimated ..... |  | 100,000 |
|--|--|---------|

#### SOURCE OF FUNDS:

|                              |                |  |
|------------------------------|----------------|--|
| (1) State General Fund ..... | <u>100,000</u> |  |
|------------------------------|----------------|--|

|   |         |         |
|---|---------|---------|
| TOTAL PRINTING OF LEGISLATIVE ACTS AND JOURNALS . | 100,000 | 100,000 |
|---|---------|---------|

### V. FINANCIAL ASSISTANCE TO NON-STATE AGENCIES:

#### A. NON-STATE AGENCIES FUNDED FROM THE GENERAL FUND:

##### 1. AMOS ALONZO STAGG BOWL:

|  |  |       |
|--|--|-------|
| (a) Tourism and Travel Promotion Program ..... |  | 4,500 |
|--|--|-------|

## SOURCE OF FUNDS:

|                                  |              |       |
|----------------------------------|--------------|-------|
| (1) State General Fund .....     | <u>4,500</u> |       |
| Total Amos Alonzo Stagg Bowl ... | 4,500        | 4,500 |

## 2. APPALACHIAN REGIONAL COMMISSION:

|                            |  |         |
|----------------------------|--|---------|
| (a) Planning Program ..... |  | 135,000 |
|----------------------------|--|---------|

## SOURCE OF FUNDS:

|   |                |         |
|---|----------------|---------|
| (1) State General Fund .....                | <u>135,000</u> |         |
| Total Appalachian Regional Commission ..... | 135,000        | 135,000 |

## 3. ARMED FORCES DAY COMMITTEE:

|   |  |       |
|---|--|-------|
| (a) Historical Resources Management Program ..... |  | 1,350 |
|---|--|-------|

## SOURCE OF FUNDS:

|  |              |       |
|--|--------------|-------|
| (1) State General Fund .....           | <u>1,350</u> |       |
| Total Armed Forces Day Committee ..... | 1,350        | 1,350 |

## 4. AZALEA TRAIL FESTIVAL:

|  |  |       |
|--|--|-------|
| (a) Tourism and Travel Promotion Program ..... |  | 2,500 |
|--|--|-------|

## SOURCE OF FUNDS:

|                                   |              |       |
|-----------------------------------|--------------|-------|
| (1) State General Fund .....      | <u>2,500</u> |       |
| Total Azalea Trail Festival ..... | 2,500        | 2,500 |

## 5. BIG NANCE CREEK WATER MANAGEMENT DISTRICT:

|  |  |       |
|--|--|-------|
| (a) Water Resource Development Program ..... |  | 2,250 |
|--|--|-------|

## SOURCE OF FUNDS:

|   |              |       |
|---|--------------|-------|
| (1) State General Fund .....                          | <u>2,250</u> |       |
| Total Big Nance Creek Water Management District ..... | 2,250        | 2,250 |

## 6. BIRMINGHAM FESTIVAL OF FINE ARTS:

|                             |  |        |
|-----------------------------|--|--------|
| (a) Fine Arts Program ..... |  | 25,000 |
|-----------------------------|--|--------|

## SOURCE OF FUNDS:

|  |               |        |
|--|---------------|--------|
| (1) State General Fund .....                 | <u>25,000</u> |        |
| Total Birmingham Festival of Fine Arts ..... | 25,000        | 25,000 |

## 7. BLUE AND GRAY ASSOCIATION, INC.:

|  |        |        |
|--|--------|--------|
| (a) Tourism and Travel Promotion Program .....             |        | 9,000  |
| SOURCE OF FUNDS:   |        |        |
| (1) State General Fund .....                               | 9,000  |        |
| Total Blue and Gray Association, Inc. ....                 | 9,000  | 9,000  |
| 8. CHILTON COUNTY PEACH FESTIVAL:                          |        |        |
| (a) Tourism and Travel Promotion Program .....             |        | 7,500  |
| SOURCE OF FUNDS:   |        |        |
| (1) State General Fund .....                               | 7,500  |        |
| Total Chilton County Peach Festival .....                  | 7,500  | 7,500  |
| 9. CHOCCOLOCCO CREEK WATERSHED ASSOCIATION:                |        |        |
| (a) Water Resource Development Program .....               |        | 3,600  |
| SOURCE OF FUNDS:   |        |        |
| (1) State General Fund .....                               | 3,600  |        |
| Total Choccolocco Creek Watershed Association .....        | 3,600  | 3,600  |
| 10. SOUTHEAST CHOCTA-WHATCHEE RIVER WATERSHED ASSOCIATION: |        |        |
| (a) Water Resource Development Program .....               |        | 2,250  |
| SOURCE OF FUNDS:   |        |        |
| (1) State General Fund .....                               | 2,250  |        |
| Total Southeast Choctawhatchee River Watershed Assoc. .... | 2,250  | 2,250  |
| 11. CIVIL AIR PATROL:                                      |        |        |
| (a) Readiness and Recovery Program .....                   |        | 35,000 |
| SOURCE OF FUNDS:   |        |        |
| (1) State General Fund .....                               | 35,000 |        |
| Total Civil Air Patrol .....                               | 35,000 | 35,000 |
| 12. ALABAMA CONGRESSIONAL MEDAL OF HONOR GROVE:            |        |        |
| (a) Historical Resources Management Program .....          |        | 8,000  |

## SOURCE OF FUNDS:

|  |              |       |
|--|--------------|-------|
| (1) State General Fund .....                           | <u>8,000</u> |       |
| Total Alabama Congressional Medal of Honor Grove ..... | 8,000        | 8,000 |

## 13. CROOKED CREEK WATERSHED CONSERVANCY DISTRICT:

|  |  |       |
|--|--|-------|
| (a) Water Resource Development Program ..... |  | 2,250 |
|--|--|-------|

## SOURCE OF FUNDS:

|  |              |       |
|--|--------------|-------|
| (1) State General Fund .....                             | <u>2,250</u> |       |
| Total Crooked Creek Watershed Conservancy District ..... | 2,250        | 2,250 |

## 14. DEEP-SEA FISHING RODEO:

|  |  |       |
|--|--|-------|
| (a) Tourism and Travel Promotion Program ..... |  | 1,500 |
|--|--|-------|

## SOURCE OF FUNDS:

|                                  |              |       |
|----------------------------------|--------------|-------|
| (1) State General Fund .....     | <u>1,500</u> |       |
| Total Deep-Sea Fishing Rodeo ... | 1,500        | 1,500 |

## 15. ELK RIVER DEVELOPMENT AGENCY:

|  |  |       |
|--|--|-------|
| (a) Water Resource Development Program ..... |  | 7,500 |
|--|--|-------|

## SOURCE OF FUNDS:

|  |              |       |
|--|--------------|-------|
| (1) State General Fund .....             | <u>7,500</u> |       |
| Total Elk River Development Agency ..... | 7,500        | 7,500 |

## 16. ALABAMA FOREIGN TRADE RELATIONS COMMITTEE:

|                                   |  |        |
|-----------------------------------|--|--------|
| (a) Special Services Program .... |  | 40,000 |
|-----------------------------------|--|--------|

## SOURCE OF FUNDS:

|   |               |        |
|---|---------------|--------|
| (1) State General Fund .....                          | <u>40,000</u> |        |
| Total Alabama Foreign Trade Relations Committee ..... | 40,000        | 40,000 |

## 17. GULF SHORES TOURIST ASSOCIATION:

|  |  |        |
|--|--|--------|
| (a) Tourism and Travel Promotion Program ..... |  | 13,500 |
|--|--|--------|

## SOURCE OF FUNDS:

|                              |               |  |
|------------------------------|---------------|--|
| (1) State General Fund ..... | <u>13,500</u> |  |
|------------------------------|---------------|--|

|   |        |        |
|---|--------|--------|
| Total Gulf Shores Tourist Association .....               | 13,500 | 13,500 |
| 18. GUNTERSVILLE BOAT RACES:                              |        |        |
| (a) Tourism and Travel Promotion Program .....            |        | 8,550  |
| SOURCE OF FUNDS:  |        |        |
| (1) State General Fund .....                              | 8,550  |        |
| Total Guntersville Boat Races ...                         | 8,550  | 8,550  |
| 19. HELEN KELLER PROPERTY BOARD:                          |        |        |
| (a) Historical Resources Management Program .....         |        | 5,000  |
| SOURCE OF FUNDS:  |        |        |
| (1) State General Fund .....                              | 5,000  |        |
| Total Helen Keller Property Board                         | 5,000  | 5,000  |
| 20. INTERSTATE MINING COMMISSION:                         |        |        |
| (a) Planning Program .....                                |        | 7,900  |
| SOURCE OF FUNDS:  |        |        |
| (1) State General Fund .....                              | 7,900  |        |
| Total Interstate Mining Commission .....                  | 7,900  | 7,900  |
| 21. KETCHEPEDRAKEE CREEK WATERSHED CONSERVANCY DISTRICT:  |        |        |
| (a) Water Resource Development Program .....              |        | 2,250  |
| SOURCE OF FUNDS:  |        |        |
| (1) State General Fund .....                              | 2,250  |        |
| Total Ketchepedrakee Creek Watershed Conservancy District | 2,250  | 2,250  |
| 22. LAKE EUFAULA SUMMER SPECTACULAR:                      |        |        |
| (a) Tourism and Travel Promotion Program .....            |        | 9,000  |
| SOURCE OF FUNDS:  |        |        |
| (1) State General Fund .....                              | 9,000  |        |
| Total Lake Eufaula Summer Spectacular .....               | 9,000  | 9,000  |
| 23. MOBILE CARNIVAL ASSOCIATION:                          |        |        |

|  |        |        |
|--|--------|--------|
| (a) Tourism and Travel Promotion Program .....   |        | 4,500  |
| SOURCE OF FUNDS:   |        |        |
| (1) State General Fund .....   | 4,500  |        |
| Total Mobile Carnival Association  | 4,500  | 4,500  |
| 24. MOUNTAIN LAKES ASSOCIATION:  |        |        |
| (a) Tourism and Travel Promotion Program .....   |        | 18,000 |
| SOURCE OF FUNDS:   |        |        |
| (1) State General Fund .....   | 18,000 |        |
| Total Mountain Lakes Association   | 18,000 | 18,000 |
| 25. SOUTHERN INTERSTATE NUCLEAR BOARD:   |        |        |
| (a) Discovery and Development of Mineral, Energy, and Water Resources, Geologic Research and Topographic Mapping Program . |        | 11,057 |
| SOURCE OF FUNDS:   |        |        |
| (1) State General Fund .....   | 11,057 |        |
| Total Southern Interstate Nuclear Board .....  | 11,057 | 11,057 |
| 26. NATIONAL PEANUT FESTIVAL ASSOCIATION, INC.:  |        |        |
| (a) Tourism and Travel Promotion Program .....   |        | 12,000 |
| SOURCE OF FUNDS:   |        |        |
| (1) State General Fund .....   | 12,000 | 12,000 |
| Total National Peanut Festival Association, Inc. ....  | 12,000 | 12,000 |
| 27. MONTGOMERY RIVERBOAT ASSOCIATION:  |        |        |
| (a) Tourism and Travel Promotion Program .....   |        | 22,500 |
| SOURCE OF FUNDS:   |        |        |
| (1) State General Fund .....   | 22,500 |        |
| Total Montgomery Riverboat Association .....   | 22,500 | 22,500 |
| 28. PEA RIVER HISTORICAL AND GENEALOGY SOCIETY:  |        |        |
| (a) Tourism and Travel Promotion Program .....   |        | 5,000  |

## SOURCE OF FUNDS:

|   |              |       |
|---|--------------|-------|
| (1) State General Fund .....                              | <u>5,000</u> |       |
| Total Pea River Historical and<br>Genealogy Society ..... | 5,000        | 5,000 |

29. PEA RIVER WATERSHED  
CONSERVANCY DISTRICT:

|   |  |       |
|---|--|-------|
| (a) Water Resource Development<br>Program ..... |  | 2,250 |
|---|--|-------|

## SOURCE OF FUNDS:

|   |              |       |
|---|--------------|-------|
| (1) State General Fund .....                              | <u>2,250</u> |       |
| Total Pea River Watershed Con-<br>servancy District ..... | 2,250        | 2,250 |

## 30. PIMENTO FESTIVAL:

|   |  |       |
|---|--|-------|
| (a) Tourism and Travel Promotion<br>Program ..... |  | 1,000 |
|---|--|-------|

## SOURCE OF FUNDS:

|                              |              |       |
|------------------------------|--------------|-------|
| (1) State General Fund ..... | <u>1,000</u> |       |
| Total Pimento Festival ..... | 1,000        | 1,000 |

31. ALABAMA SHAKESPEARE  
FESTIVAL:

|                             |  |       |
|-----------------------------|--|-------|
| (a) Fine Arts Program ..... |  | 7,500 |
|-----------------------------|--|-------|

## SOURCE OF FUNDS:

|   |              |       |
|---|--------------|-------|
| (1) State General Fund .....                  | <u>7,500</u> |       |
| Total Alabama Shakespeare Festi-<br>val ..... | 7,500        | 7,500 |

32. SOUTHERN CHAMPION-  
SHIP HORSESHOW:

|   |  |       |
|---|--|-------|
| (a) Tourism and Travel Promotion<br>Program ..... |  | 5,000 |
|---|--|-------|

## SOURCE OF FUNDS:

|  |              |       |
|--|--------------|-------|
| (1) State General Fund .....                   | <u>5,000</u> |       |
| Total Southern Championship<br>Horseshow ..... | 5,000        | 5,000 |

33. SOUTHERN GROWTH  
POLICIES BOARD:

|                                   |  |        |
|-----------------------------------|--|--------|
| (a) Special Services Program .... |  | 21,000 |
|-----------------------------------|--|--------|

## SOURCE OF FUNDS:

|   |               |        |
|---|---------------|--------|
| (1) State General Fund .....                  | <u>21,000</u> |        |
| Total Southern Growth Policies<br>Board ..... | 21,000        | 21,000 |

34. SPIRIT OF AMERICA FES-  
TIVAL, INC.:



|  |               |        |
|--|---------------|--------|
| (a) Tourism and Travel Promotion Program .....                     |               | 4,500  |
| SOURCE OF FUNDS:   |               |        |
| (1) State General Fund .....                                       | <u>4,500</u>  |        |
| Total Spirit of America Festival, Inc .....                        | 4,500         | 4,500  |
| 35. ALABAMA STATE STEER SHOW ASSOCIATION:                          |               |        |
| (a) Agricultural Development Services Program .....                |               | 9,000  |
| SOURCE OF FUNDS:   |               |        |
| (1) State General Fund .....                                       | <u>9,000</u>  |        |
| Total Alabama State Steer Show Association .....                   | 9,000         | 9,000  |
| 36. TALLACOOSA HIGHLAND LAKES ASSOCIATION:                         |               |        |
| (a) Tourism and Travel Promotion Program .....                     |               | 9,000  |
| SOURCE OF FUNDS:   |               |        |
| (1) State General Fund .....                                       | <u>9,000</u>  |        |
| Total Tallacoosa Highland Lakes Association .....                  | 9,000         | 9,000  |
| 37. TALLASSEEHATCHIE CREEK WATERSHED CONSERVANCY DISTRICT:         |               |        |
| (a) Water Resources Development Program .....                      |               | 2,250  |
| SOURCE OF FUNDS:   |               |        |
| (1) State General Fund .....                                       | <u>2,250</u>  |        |
| Total Tallassee hatchie Creek Watershed Conservancy District ..... | 2,250         | 2,250  |
| 38. TENNESSEE RIVER VALLEY ASSOCIATION:                            |               |        |
| (a) Water Resources Development Program .....                      |               | 14,000 |
| SOURCE OF FUNDS:   |               |        |
| (1) State General Fund .....                                       | <u>14,000</u> |        |
| Total Tennessee River Valley Association .....                     | 14,000        | 14,000 |
| 39. TENNESSEE VALLEY PUBLICITY AND IMPROVEMENT ASSOCIATION:        |               |        |

|  |        |        |
|--|--------|--------|
| (a) Tourism and Travel Promotion Program .....                   |        | 40,000 |
| SOURCE OF FUNDS:   |        |        |
| (1) State General Fund .....                                     | 40,000 |        |
| Total Tennessee Valley Publicity and Information Association ... | 40,000 | 40,000 |
| 40. TERRAPIN CREEK WATERSHED CONSERVANCY DISTRICT:               |        |        |
| (a) Water Resource Development Program .....                     |        | 2,250  |
| SOURCE OF FUNDS:   |        |        |
| (1) State General Fund .....                                     | 2,250  |        |
| Total Terrapin Creek Watershed Conservancy District .....        | 2,250  | 2,250  |
| 41. ALABAMA TRAVEL COUNCIL:                                      |        |        |
| (a) Tourism and Travel Promotion Program .....                   |        | 15,000 |
| SOURCE OF FUNDS:   |        |        |
| (1) State General Fund .....                                     | 15,000 |        |
| Total Alabama Travel Council ...                                 | 15,000 | 15,000 |
| 42. TRI-RIVERS WATERWAY DEVELOPMENT ASSOCIATION:                 |        |        |
| (a) Water Resource Development Program .....                     |        | 27,000 |
| SOURCE OF FUNDS:   |        |        |
| (1) State General Fund .....                                     | 27,000 |        |
| Total Tri-Rivers Waterway Development Association .....          | 27,000 | 27,000 |
| 43. VESTAVIA HILLS DOGWOOD FESTIVAL AND TRAIL:                   |        |        |
| (a) Tourism and Travel Promotion Program .....                   |        | 1,000  |
| SOURCE OF FUNDS:   |        |        |
| (1) State General Fund .....                                     | 1,000  |        |
| Total Vestavia Hills Dogwood Festival and Trail .....            | 1,000  | 1,000  |

#### 44. NATIONAL VETERANS DAY COMMITTEE:

(a) Historical Resources Management Program ..... 5,000

##### SOURCE OF FUNDS:

(1) State General Fund ..... 5,000

Total National Veterans Day Committee ..... 5,000 5,000

#### 45. VETERANS DAY COMMITTEE:

(a) Historical Resources Management Program ..... 2,000

##### SOURCE OF FUNDS:

(1) State General Fund ..... 2,000

Total Veterans Day Committee .. 2,000 2,000

#### 46. ALABAMA WOMEN'S HALL OF FAME:

(a) Historical Resources Management Program ..... 6,800

##### SOURCE OF FUNDS:

(1) State General Fund ..... 6,800

Total Alabama Women's Hall of Fame ..... 6,800 6,800

#### 47. Y.M.C.A. YOUTH LEGISLATURE:

(a) Special Services Program .... 5,000

##### SOURCE OF FUNDS:

(1) State General Fund ..... 5,000

Total Y.M.C.A. Youth Legislature 5,000 5,000

#### 48. AMERICA'S JUNIOR MISS PAGEANT, INC.

(a) Tourism and Travel Promotion Program ..... 22,500

##### SOURCE OF FUNDS:

(1) State General Fund ..... 22,500

Total America's Junior Miss Pageant, Inc. .... 22,500 22,500

#### I. DEBT SERVICE:

##### A. DEBT SERVICE FUNDED FROM THE GENERAL FUND:

##### 1. General Obligation Capital Im-

|  |                  |           |
|--|------------------|-----------|
| provement Bonds, Series A and B, Estimated .....   |                  | 1,160,035 |
| SOURCE OF FUNDS:   |                  |           |
| (1) State General Fund, Series A and B, Estimated .....                                    | <u>1,160,035</u> |           |
| Total General Obligation Capital Improvement Bonds, Series A and B, Estimated .....        | 1,160,035        | 1,160,035 |
| 2. General Obligation Coosa Waterway Bonds, Series A, Estimated .....                      |                  | 650,448   |
| SOURCE OF FUNDS:   |                  |           |
| (1) State General Fund .....   | <u>650,448</u>   |           |
| Total General Obligation Coosa Waterway Bonds, Series A, Estimated .....                   | 650,448          | 650,448   |
| 3. General Obligation Docks Facilities Bonds, Series A and B, Estimated .....              |                  | 2,850,400 |
| SOURCE OF FUNDS:   |                  |           |
| (1) State General Fund .....   | <u>2,850,400</u> |           |
| Total General Obligation Docks Facilities Bonds, Series A and B, Estimated .....           | 2,850,400        | 2,850,400 |
| 4. Inland Waterways Facilities Bonds, Series 1970 A, Estimated .....                       |                  | 645,900   |
| SOURCE OF FUNDS:   |                  |           |
| (1) State General Fund .....   | <u>645,900</u>   |           |
| Total Inland Waterways Facilities Bonds, Series 1970 A, Estimated .....                    | 645,900          | 645,900   |
| 5. General Obligation Inland Waterways Facilities Bonds, Series 1970 B, Estimated .....    |                  | 664,650   |
| SOURCE OF FUNDS:   |                  |           |
| (1) State General Fund .....   | <u>664,650</u>   |           |
| Total General Obligation Inland Waterways Facilities Bonds, Series 1970 B, Estimated ..... | 664,650          | 664,650   |
| 6. Inland Waterway Improvement Bonds, Series A through D, Estimated .....                  |                  | 687,413   |
| SOURCE OF FUNDS:   |                  |           |
| (1) State General Fund .....   | <u>687,413</u>   |           |

|  |         |         |
|--|---------|---------|
| Total Inland Waterway Improvement Bonds, Series A through D, Estimated ..... | 687,413 | 687,413 |
| 7. State Parks Development Authority Bonds, Estimated .....                  |         | 350,000 |

## SOURCE OF FUNDS:

|   |         |         |
|---|---------|---------|
| (1) State General Fund, Estimated—pursuant to Constitutional Amendment as provided in Act No. 272, 1967 Regular Session ..... | 350,000 |         |
| Total State Parks Development Authority Bonds, Estimated ...  | 350,000 | 350,000 |
| 8. Tennessee-Tombigbee Waterway Bonds, Series A and B, Estimated .....  |         | 854,648 |

## SOURCE OF FUNDS:

|   |         |         |
|---|---------|---------|
| (1) State General Fund, Estimated—pursuant to Constitutional Amendment No. CCLXX as provided in Act No. 248, 1967 Regular Session ..... | 854,648 |         |
| Total Tennessee-Tombigbee Waterway Bonds, Series A and B, Estimated .....   | 854,648 | 854,648 |

Section 3. That, except as may be herein otherwise provided, that amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Section 4 of this bill, as provided in the Budget Management Act of 1976, Act No. 494, 1976 Regular Session, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Title 40, Chapter 8, Section 80-96, Code of Alabama 1975 and the Budget Management Act of 1976 (Act No. 494).

Section 4. In addition to appropriations herein made, all gifts, grants, contributions, appropriations, entitlements or any other funds, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made.

Section 5. The following amounts which are anticipated to be received by the State of Alabama during the period October 1, 1978 through Septem-

ber 30, 1979, as grants or entitlements under the State and Local Fiscal Assistance Act of 1972, Public Law 92-512, 92nd Congress, 1972 are included and appropriated in the individual budget units as appropriated in Section 2. The following amounts are specifically appropriated to the following departments and purposes:

|  |                |
|--|----------------|
| A. To Department of Mental Health to be used<br>for operations and maintenance .....   | 13,000,000     |
| B. To Highway Department for operations and<br>maintenance .....                       | 11,000,000     |
| C. To Board of Corrections for operations and<br>maintenance of the penal system ..... | 7,000,000      |
| D. For Economic and Community Development .....  | <u>500,000</u> |
| Total .....  | 31,500,000     |

In the event that the amount of funds actually received is more than the anticipated grants or entitlements, said funds together with any interest, accruals, or reversions accruing after the effective date of this Act are hereby appropriated to the State General Fund to pay appropriations herein. In the event that the amount of funds actually received is less than the anticipated grants or entitlements, then each appropriation shall be reduced on a pro rata basis.

Section 6. No funds appropriated herein may be expended for rent, leases, contracts, or purchases of data processing equipment or services or for rent for any office space on any contract, lease, purchase, or agreement made prior to September 30, 1978 for each items, unless approved or reapproved on or after October 1, 1978 by the Director of Finance.

Section 7. No funds appropriated by this Act shall be used to employ attorneys by any department, board, bureau, commission or agency of State Government who are not subject to the State Merit System Law unless such appointment shall be approved by the Governor.

Section 8. All State departments, commissions, bureaus, and agency directors or chief administrative officers except the Governor and the Director of Finance shall file with the Governor written quarterly reports which outline fund allocations and expenditures of their respective departments, commissions, bureaus, and agencies. These reports shall be made by the 15th day of the month following the completion of each quarter in the fiscal year. The Governor shall then transmit copies of such reports to the Chairmen of the Finance and Taxation Committee and the Ways and Means Committee. Any other agency or government or other group or entity not a part of State Government that receives state appropriations under this section shall file the reports required of state agencies under this section. The reports required by this section shall be in addition to any reports, written or otherwise, now required of any department in State Government.

Section 9. No funds appropriated under this Act shall be used to pay the following law enforcement benefits heretofore established by acts of the Legislature:

- (1) Subsistence payments (Act No. 763, Regular Session, 1973),
- (2) Longevity pay (Act No. 206, Third Special Session, 1975),

## (3) Overtime pay (Act No. 127, Fourth Special Session, 1975),

to any state employees, other than to state employees regularly assigned to law enforcement duties. In no event, shall funds appropriated hereunder be used to pay any of the above mentioned benefits to Cabinet Members, Department or Agency heads, Assistant Department or Agency heads. Nothing contained in this section shall prohibit the payment of subsistence, longevity, or overtime pay to state employees who are classified under the State Merit System Law as state law enforcement officers in any state department or agency.

Section 10. Of the appropriation herein contained there is appropriated an amount to provide hospital-medical insurance assistance, excluding dental and life assistance.

Section 11. That, if any section, paragraph, sentence, clause, provision, or portion of the Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 12. That all laws and parts of laws, general, special, private, or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 13. That each Department of State funded through the provisions of this budget shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

Section 14. That this Act shall become effective October 1, 1978.

The Standing Committee on Finance and Taxation then reported the following amendments to the substitute for the Bill, H. B. 244, to-wit:

#### COMMITTEE AMENDMENT TO SUBSTITUTE FOR H. B. 244

Amend substitute for H. B. 244 by adding to page 79 the following:

#### 49. ALABAMA HISTORICAL COMMISSION—FORT TO- LOUSE:

|                                      |        |
|--------------------------------------|--------|
| (a) Historical Restoration . . . . . | 22,500 |
|--------------------------------------|--------|

#### SOURCE OF FUNDS:

|                                  |        |
|----------------------------------|--------|
| (1) State General Fund . . . . . | 22,500 |
|----------------------------------|--------|

|  |        |        |
|--|--------|--------|
| Total Alabama Historical<br>Commission—Fort Toulouse . . . | 22,500 | 22,500 |
|--|--------|--------|

(The above appropriation is conditional upon the condition of the State General Fund and approval of the Governor)

### COMMITTEE AMENDMENT TO SUBSTITUTE FOR H. B. 244

Amend Substitute for H. B. 244, page 20, line 36, by adding a new Section 7 and renumbering accordingly. New Section 7 to read as follows: "From the Parks Fund \$100,000 to repair the dam at the Chattahoochee State Park.

### COMMITTEE AMENDMENT TO SUBSTITUTE FOR H. B. 244

Amend Substitute for H. B. 244, page 46, by striking out all language on lines 21 through 33 entirely.

### COMMITTEE AMENDMENT TO SUBSTITUTE FOR H. B. 244

Amend Substitute for H. B. 244 by inserting, on page 79, line 37, the following new sub section and by renumbering subsequent sub section accordingly:

#### 49. Federation of Southern Cooperatives

|   |        |
|---|--------|
| (2) For Miss Black Alabama Pageant Tourism and Travel Promotion ..... | 10,000 |
|---|--------|

#### SOURCE OF FUNDS:

|   |        |        |
|---|--------|--------|
| (1) State General Fund .....                    | 10,000 |        |
| Total Federation of Southern Cooperatives ..... | 10,000 | 10,000 |

### COMMITTEE AMENDMENT TO SUBSTITUTE FOR H. B. 244

Amend the Substitute for H. B. 244, Item V, page 79, by inserting on line 30, the following:

#### 48. GENEVA COUNTY TOMATO FESTIVAL

|  |       |
|--|-------|
| (a) Tourism and Travel Promotion Program ..... | 5,000 |
|--|-------|

#### SOURCE OF FUNDS:

|   |       |
|---|-------|
| (1) State General Fund .....              | 5,000 |
| Total Geneva County Tomato Festival ..... | 5,000 |

(Renumber the remaining sections)

### COMMITTEE AMENDMENT TO SUBSTITUTE FOR H. B. 244

Amend substitute for House Bill 244 on page 73, by adding thereto the following words and figures:

25 b. HANK WILLIAMS MEMORIAL ASSOCIATION:



|  |  |       |
|--|--|-------|
| (a) Tourism and Travel Promotion Program ..... |  | 5,000 |
|--|--|-------|

SOURCE OF FUNDS:

|  |              |       |
|--|--------------|-------|
| (1) State General Fund .....                   | <u>5,000</u> |       |
| Total Hank Williams Memorial Association ..... | 5,000        | 5,000 |

COMMITTEE AMENDMENT TO  
SUBSTITUTE FOR H. B. 244

Amend substitute for House Bill 244 on page 73, line 31, by adding thereto the following words and figures:

25 A. PIKE COUNTY PIONEER  
MUSEUM ASSOCIATION:

|  |  |       |
|--|--|-------|
| (a) Tourism and Travel Promotion Program ..... |  | 5,000 |
|--|--|-------|

SOURCE OF FUNDS:

|  |              |       |
|--|--------------|-------|
| (1) State General Fund .....                       | <u>5,000</u> |       |
| Total Pike County Pioneer Museum Association ..... | 5,000        | 5,000 |

COMMITTEE AMENDMENT TO  
SUBSTITUTE FOR H. B. 244

In Section 2, II, 20(e) (6), Line 35, page 20, strike line 35 of said page and section in its entirety and insert in lieu thereof the following words, phrases and figures:

|                      | General<br>Fund | Trust<br>Fund | Appropriation<br>Total |
|----------------------|-----------------|---------------|------------------------|
| (6) Parks Fund ..... | 5,640,830       |               |                        |

(Provided, however, of the amount hereinabove appropriated, at least \$100,000.00 thereof shall be expended for the operation, maintenance and Capital outlay of Tannehill State Park. (This appropriation is absolute and payable at the beginning of the fiscal year.)

COMMITTEE AMENDMENT TO  
SUBSTITUTE FOR H. B. 244

Amend substitute for H. B. 244, page 22, line 33 by inserting the following language:

Provided, however, that no funds herein appropriated to the Board of Corrections shall be expended for capital outlay without prior approval of the Joint Corrections Management and Performance Evaluation Committee of the Legislature.

### COMMITTEE AMENDMENT TO SUBSTITUTE FOR H. B. 244

Amend substitute for House Bill 244 by deleting Section 2, subsection II, A. 6, which begins on page 10, line 35, and insert in lieu thereof the following:

#### 6. UNIFIED JUDICIAL SYSTEM:

|   |            |
|---|------------|
| (a) Court Operations Program ..           | 24,674,771 |
| (b) Administrative Services Program ..... | 1,579,761  |

#### SOURCE OF FUNDS:

|                                    |            |            |
|------------------------------------|------------|------------|
| (1) State General Fund .....       | 26,254,532 |            |
| Total Unified Judicial System .... | 26,254,532 | 26,254,532 |

Provided, however that the disbursement of \$2,082,532 of the above \$26,254,532 shall be conditional on the availability of funds in the General Fund and approval of the Governor.

### COMMITTEE AMENDMENT TO SUBSTITUTE FOR H. B. 244

Amend substitute for H. B. 244 on page 29, lines 23 and 24 by striking the words and figures:

#### "SOURCE OF FUNDS:

|                              |            |
|------------------------------|------------|
| (1) State General Fund ..... | 8,800,000" |
|------------------------------|------------|

and inserting in lieu thereof the following:

|  |         |
|--|---------|
| "(g) Hypothyroid Screening Program (Conditional) ..... | 105,558 |
|--|---------|

#### SOURCE OF FUNDS:

|                              |           |
|------------------------------|-----------|
| (1) State General Fund ..... | 8,800,000 |
|------------------------------|-----------|

|   |         |
|---|---------|
| State General Fund (Conditional pending on availability of funds & approval of the Governor.) | 105,558 |
|---|---------|

Further amend H. B. 244 on page 30, by inserting immediately following line 7, the following:

|  |         |         |
|--|---------|---------|
| "Department of Public Health (Conditional) ..... | 105,558 | 105,558 |
|--|---------|---------|

### COMMITTEE AMENDMENT TO SUBSTITUTE FOR H. B. 244

Amend Substitute for House Bill No. 244, Section 2, III, A, 7 on page 13 by adding the following section:

#### "7A. DEPARTMENT OF AGRICULTURE AND INDUSTRIES:

|  |         |
|--|---------|
| (a) Administrative Services Program .....          | 25,000  |
| (b) Agricultural Inspection Services Program ..... | 350,000 |

(c) Laboratory Analysis and Disease Control Program ..... 125,000

## SOURCE OF FUNDS:

(1) State General Fund—Transfer 500,000

(The above appropriation is conditional upon the condition of the State General Fund and upon the approval of the Governor.)

COMMITTEE AMENDMENT TO  
SUBSTITUTE FOR H. B. 244

Amend substitute for House Bill 244 on page fifty-four (54), for item 87, beginning on line 22, as follows: Strike all language from lines 22 through 29 inclusive, and substitute and insert in lieu thereof the following:

| Fund  | General Fund | Trust Funds | Appropriation Total |
|---|--------------|-------------|---------------------|
| (a) Industrial Safety and Accident Prevention Program ..... |              |             | 637,694             |

## SOURCE OF FUNDS:

|   |         |         |         |
|---|---------|---------|---------|
| (1) Surface Mining Reclamation Commission Fund, as provided for by Act 551, 1975 Regular Session. All fees and charges, grants, gifts, fines, bond forfeitures, or other such monies received under the above act, in addition to the appropriation herein made, are appropriated to the Surface Mining Reclamation Commission .. |         | 512,694 |         |
| (2) State General Fund .....  | 125,000 |         |         |
| Total Surface Mining Reclamation Commission .....   | 125,000 | 512,694 | 637,694 |
| (3) Provided, however, that should any funds be reimbursed to the State under Public Law 95-87, the first \$125,000 of such reimbursement received after September 30, 1978 shall be immediately transferred to the State General Fund.   |         |         |         |

On motion of Mr. Owen, said substitute and pending amendments were laid on the table.

Mr. Owen then offered the following substitute for the Bill, H. B. 244, to-wit:

## COMMITTEE SUBSTITUTE FOR H. B. 244

A BILL  
TO BE ENTITLED  
AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of gov-

ernment, and for interest on the public debt and for the public schools for the fiscal year beginning October 1, 1978.

**Be It Enacted by the Legislature of Alabama:**

Section 1. The monies in Section 2 are appropriated from the named funds for the 1978-79 fiscal year to the state agency indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the total for all programs are shown by source of funds. It is intended that only the named funds be appropriated to the agency concerned; and that the following definitions shall be applicable:

(a) "Appropriation Total" shall mean the aggregate total of all fund sources.

(b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the needs of an identified clientele, or group of recipients or beneficiaries.

(c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.

(d) "Debt Service" shall mean an expenditure for the payment of interest and principal on all bonded debt obligations of the State, and shall be expended only for such purposes.

Section 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for other functions of government, for the principal and interest on the public debt, and for the public schools for the fiscal year ending September 30, 1979, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Act No. 494, 1976 Regular Session. Provided, however, that if the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State Employees overlaps from one fiscal year in to the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

| General<br>Fund | Trust<br>Fund | Appropriation<br>Total |
|-----------------|---------------|------------------------|
|-----------------|---------------|------------------------|

**I. LEGISLATIVE:**

**A. THE LEGISLATIVE SYSTEM:**

**1. LEGISLATURE:**

(a) Legislative Operations and  
Support Program.....

1,500,000

|  |  |        |
|--|--|--------|
| (b) National Conference of State Legislators ..... |  | 30,530 |
|--|--|--------|

(For the purpose of paying the State's share of the operation of the National Conference of the State Legislatures.)

SOURCE OF FUNDS:

|                              |                  |           |
|------------------------------|------------------|-----------|
| (1) State General Fund ..... | <u>1,530,530</u> |           |
| Total Legislature .....      | 1,530,530        | 1,530,530 |

2. LEGISLATIVE COUNCIL:

|  |  |        |
|--|--|--------|
| (a) Legislative Operations and Support Program ..... |  | 50,000 |
|--|--|--------|

For Operations of the Council (including out-of-state travel by Council members and members of the Legislature authorized to attend Legislative conferences by joint resolution of the Legislature)

SOURCE OF FUNDS:

|                                 |               |        |
|---------------------------------|---------------|--------|
| (1) State General Fund .....    | <u>50,000</u> |        |
| Total Legislative Council ..... | 50,000        | 50,000 |

3. LEGISLATIVE FISCAL OFFICE:

|  |  |         |
|--|--|---------|
| (a) Legislative Operations and Support Program ..... |  | 310,000 |
|--|--|---------|

SOURCE OF FUNDS:

|                                      |                |         |
|--------------------------------------|----------------|---------|
| (1) State General Fund .....         | <u>310,000</u> |         |
| Total Legislative Fiscal Office. ... | 310,000        | 310,000 |

4. LEGISLATIVE REFERENCE SERVICE:

|  |  |         |
|--|--|---------|
| (a) Legislative Operations and Support Program ..... |  | 491,640 |
|--|--|---------|

SOURCE OF FUNDS:

|                                     |                |         |
|-------------------------------------|----------------|---------|
| (1) State General Fund .....        | <u>491,640</u> |         |
| Total Legislative Reference Service | 491,640        | 491,640 |

5. DEPARTMENT OF EXAMINERS OF PUBLIC ACCOUNTS:

|  |  |           |
|--|--|-----------|
| (a) Legislative Support—Audit Services Program ..... |  | 2,070,000 |
|--|--|-----------|

SOURCE OF FUNDS:

|                              |                  |  |
|------------------------------|------------------|--|
| (1) State General Fund ..... | <u>2,070,000</u> |  |
|------------------------------|------------------|--|

|   |           |           |
|---|-----------|-----------|
| Total Department of Examiners of<br>Public Accounts .....   | 2,070,000 | 2,070,000 |
| II. JUDICIAL:   |           |           |
| A. THE JUDICIAL SYSTEM:   |           |           |
| 1. COURT OF CIVIL APPEALS:  |           |           |
| (a) Court Operations Program ...  |           | 118,866   |
| (b) Court Support Services Pro-<br>gram .....   |           | 238,134   |
| SOURCE OF FUNDS:  |           |           |
| (1) State General Fund .....  | 357,000   |           |
| Total Court of Civil Appeals ....   | 357,000   | 357,000   |
| 2. COURT OF CRIMINAL AP-<br>PEALS:  |           |           |
| (a) Court Operations Program ...  |           | 540,000   |
| SOURCE OF FUNDS:  |           |           |
| (1) State General Fund .....  | 540,000   |           |
| Total Court of Criminal Appeals .   | 540,000   | 540,000   |
| 3. DISTRICT ATTORNEYS:  |           |           |
| (a) Court Operations Program ...  |           | 3,310,000 |
| The proposed spending plan in-<br>cluded in the above total is as fol-<br>lows:   |           |           |
| Salaries of District Attorneys<br>.....   | 936,000   |           |
| Salary of elected Deputy District<br>Attorney of the Bessemer Divi-<br>sion of the 10th Judicial Circuit<br>.....               | 23,000    |           |
| Salary of the Appointed Assistant<br>Deputy District Attorney of the<br>Bessemer Division of the 10th<br>Judicial Circuit ..... | 3,600     |           |
| Salaries and expenses of Super-<br>numerary District Attorneys<br>.....   | 367,000   |           |
| For use in the District Attorney's<br>Office of the 1st Judicial Circuit<br>.....   | 32,400    |           |
| For use in the District Attorney's<br>Office of the 2nd Judicial Circuit<br>.....   | 25,800    |           |
| For use in the District Attorney's<br>Office of the 3rd Judicial Circuit<br>.....   | 33,643    |           |

|  |         |
|--|---------|
| For use in the District Attorney's<br>Office of the 4th Judicial Circuit<br>.....  | 124,436 |
| For use in the District Attorney's<br>Office of the 5th Judicial Circuit<br>.....  | 102,400 |
| For use in the District Attorney's<br>Office of the 6th Judicial Circuit<br>.....  | 16,800  |
| For use in the District Attorney's<br>Office of the 7th Judicial Circuit<br>.....  | 62,150  |
| For use in the District Attorney's<br>Office of the 8th Judicial Circuit<br>.....  | 29,180  |
| For use in the District Attorney's<br>Office of the 9th Judicial Circuit<br>.....  | 54,900  |
| For use in the District Attorney's<br>Office of the 10th Judicial Circuit<br>..... | 144,000 |
| For use in the District Attorney's<br>Office of the 11th Judicial Circuit<br>..... | 35,600  |
| For use in the District Attorney's<br>Office of the 12th Judicial Circuit<br>..... | 31,025  |
| For use in the District Attorney's<br>Office of the 13th Judicial Circuit<br>..... | 90,000  |
| For use in the District Attorney's<br>Office of the 14th Judicial Circuit<br>..... | 43,058  |
| For use in the District Attorney's<br>Office of the 15th Judicial Circuit<br>..... | 126,250 |
| For use in the District Attorney's<br>Office of the 16th Judicial Circuit<br>..... | 61,000  |
| For use in the District Attorney's<br>Office of the 17th Judicial Circuit<br>..... | 29,000  |
| For use in the District Attorney's<br>Office of the 18th Judicial Circuit<br>..... | 38,303  |
| For use in the District Attorney's<br>Office of the 19th Judicial Circuit<br>..... | 37,080  |
| For use in the District Attorney's   |         |

|   |        |
|---|--------|
| Office of the 20th Judicial Circuit .....                                       | 69,865 |
| For use in the District Attorney's<br>Office of the 21st Judicial Circuit ..... | 38,600 |
| For use in the District Attorney's<br>Office of the 22nd Judicial Circuit ..... | 42,637 |
| For use in the District Attorney's<br>Office of the 23rd Judicial Circuit ..... | 63,000 |
| For use in the District Attorney's<br>Office of the 24th Judicial Circuit ..... | 31,000 |
| For use in the District Attorney's<br>Office of the 25th Judicial Circuit ..... | 27,000 |
| For use in the District Attorney's<br>Office of the 26th Judicial Circuit ..... | 85,640 |
| For use in the District Attorney's<br>Office of the 27th Judicial Circuit ..... | 53,800 |
| For use in the District Attorney's<br>Office of the 28th Judicial Circuit ..... | 29,000 |
| For use in the District Attorney's<br>Office of the 29th Judicial Circuit ..... | 37,900 |
| For use in the District Attorney's<br>Office of the 30th Judicial Circuit ..... | 34,000 |
| For use in the District Attorney's<br>Office of the 31st Judicial Circuit ..... | 31,400 |
| For use in the District Attorney's<br>Office of the 32nd Judicial Circuit ..... | 24,000 |
| For use in the District Attorney's<br>Office of the 33rd Judicial Circuit ..... | 29,200 |
| For use in the District Attorney's<br>Office of the 34th Judicial Circuit ..... | 21,489 |
| For use in the District Attorney's<br>Office of the 35th Judicial Circuit ..... | 33,000 |
| For use in the District Attorney's  |        |



Office of the 36th Judicial Circuit  
 ..... 21,800

For use in the District Attorney's  
 Office of the 37th Judicial Circuit  
 ..... 30,600

For use in the District Attorney's  
 Office of the 38th Judicial Circuit  
 ..... 34,623

Appropriations of Salaries of Per-  
 sonnel Established by Statute  
 are estimated.

Travel Expense of District Attor-  
 neys ..... 50,000

Telephone Service, Stationery,  
 Stamps and necessary Office  
 Supplies for Office use of District  
 Attorneys, Deputy District At-  
 torneys or Assistants (provided,  
 however, that none of this ap-  
 propriation shall be expended for  
 books and equipment purchases)  
 ..... 74,821  
3,310,000

#### SOURCE OF FUNDS:

(1) State General Fund ..... \$3,310,000

Total District Attorneys ..... 3,310,000                      3,310,000

#### 4. JUDICIAL RETIREMENT SYSTEM:

(a) Retirement Systems Program ..... 3,000,000

#### SOURCE OF FUNDS:

(1) State General Fund ..... 3,000,000

Total Judicial Retirement System ..... 3,000,000                      3,000,000

#### 5. SUPREME COURT:

(a) Court Operations Program ... 1,415,700

#### SOURCE OF FUNDS:

(1) State General Fund ..... 1,410,000

(2) Federal, Local and Miscellane-  
 ous Funds ..... 5,700

Total Supreme Court ..... 1,410,000                      5,700                      1,415,700

#### 6. UNIFIED JUDICIAL SYSTEM:

(a) Court Operations Program ... 24,674,771

(b) Administrative Services Pro-  
 gram ..... 1,579,761

## SOURCE OF FUNDS:

|                                    |            |            |
|------------------------------------|------------|------------|
| (1) State General Fund .....       | 26,254,532 |            |
| Total Unified Judicial System .... | 26,254,532 | 26,254,532 |

## III. EXECUTIVE:

A. DEPARTMENTS, AGENCIES,  
AND OTHER ESSENTIAL  
FUNCTIONS OF THE EXECU-  
TIVE BRANCH:1. ALABAMA ACADEMY OF  
HONOR:

|  |  |       |
|--|--|-------|
| (a) Historical Resources Manage-<br>ment Program ..... |  | 1,500 |
|--|--|-------|

## SOURCE OF FUNDS:

|   |       |       |
|---|-------|-------|
| (1) State General Fund pursuant<br>to provisions of Act No. 15, Third<br>Special Session 1965 ..... | 1,500 |       |
| Total Alabama Academy of Honor  | 1,500 | 1,500 |

2. ALABAMA STATE BOARD OF  
PUBLIC ACCOUNTANCY:

|  |  |         |
|--|--|---------|
| (a) Professional and Occupational<br>Licensing and Regulation Pro-<br>gram ..... |  | 120,000 |
|--|--|---------|

## SOURCE OF FUNDS:

|   |         |  |
|---|---------|--|
| (1) State Board of Public Accoun-<br>tancy Fund ..... | 120,000 |  |
|---|---------|--|

In addition to the amounts appropri-  
ated hereinabove to the Ala-  
bama State Board of Public Ac-  
countancy, there is hereby ap-  
propriated such an amount as  
may be necessary to pay the re-  
fund of any application for  
license which may have been re-  
jected by the Board of withdrawn  
by request of applicant.

|  |         |         |
|--|---------|---------|
| Total Alabama State Board of Pub-<br>lic Accountancy ..... | 120,000 | 120,000 |
|--|---------|---------|

## 3. BOARD OF ADJUSTMENT:

|                                   |  |         |
|-----------------------------------|--|---------|
| (a) Special Services Program .... |  | 165,000 |
|-----------------------------------|--|---------|

## SOURCE OF FUNDS:

|   |        |  |
|---|--------|--|
| (1) State General Fund for the<br>General Fund Contribution to<br>the total expenditure of \$350,000<br>pursuant to Title 41, Chapter 9,<br>Section 73 of the Code of Ala-<br>bama 1975 ..... | 65,000 |  |
| (2) State General Fund for expend-  |        |  |

|   |         |           |           |
|---|---------|-----------|-----------|
| itures as provided in Act No. 208,<br>1966 Special Session and Act No.<br>436, 1967 Regular Session, Esti-<br>mated .....               | 100,000 |           |           |
| Total Board of Adjustment .....   | 165,000 |           | 165,000   |
| <b>4. DEPARTMENT OF AERO-<br/>NAUTICS:</b>  |         |           |           |
| (a) Airport Development and Reg-<br>ulation of Air Transportation<br>Program .....  |         |           | 733,000   |
| <b>SOURCE OF FUNDS:</b>   |         |           |           |
| (1) Airport Development Fund as<br>provided by Act No. 402, 1945<br>Acts, page 620 .....  |         | 576,500   |           |
| (2) Surplus Military Fields Fund .  |         | 156,500   |           |
| Total Department of Aeronautics .   |         | 733,000   | 733,000   |
| <b>5. COMMISSION ON AGING:</b>  |         |           |           |
| (a) Planning and Advocacy for El-<br>derly Program .....  |         |           | 8,948,302 |
| <b>SOURCE OF FUNDS:</b>   |         |           |           |
| (1) State General Fund—Transfer<br>to Commission on Aging Fund .  | 225,000 |           |           |
| (2) Federal, Local and Miscellane-<br>ous Funds .....   |         | 8,723,302 |           |
| Total Commission on Aging .....   | 225,000 | 8,723,302 | 8,948,302 |
| <b>6. AGRICULTURAL CENTER<br/>BOARD:</b>  |         |           |           |
| (a) Agricultural Development<br>Services Program .....  |         |           | 500,000   |
| <b>SOURCE OF FUNDS:</b>   |         |           |           |
| (1) State General Fund for ex-<br>penses and awarding of prizes for<br>fairs as provided by Act No. 1122,<br>1969 Regular Session ..... | 90,000  |           |           |
| (2) State General Fund—Transfer   | 310,000 |           |           |
| (3) Livestock Coliseum Fund ....  |         | 100,000   |           |
| Total Agricultural Center Board .   | 400,000 | 100,000   | 500,000   |
| <b>7. DEPARTMENT OF AGRI-<br/>CULTURE AND INDUSTRIES:</b>   |         |           |           |
| (a) Administrative Services Pro-<br>gram .....  |         |           | 675,312   |
| (b) Agricultural Inspection Ser-<br>vices Program .....   |         |           | 7,893,746 |
| (c) Laboratory Analysis and Dis-  |         |           |           |

|  |               |                  |            |
|--|---------------|------------------|------------|
| ease Control Program .....   |               |                  | 2,824,065  |
| (d) Agricultural Development Services Program .....  |               |                  | 443,544    |
| SOURCE OF FUNDS:   |               |                  |            |
| (1) State General Fund—Transfer  | 4,650,000     |                  |            |
| (2) Federal, Local and Miscellaneous Funds .....   |               | 1,671,997        |            |
| (3) Egg Inspection Fund .....  |               | 1,240            |            |
| (4) Meat Inspection Fund .....   |               | 46,913           |            |
| (5) Shipping Point Inspection Fund pursuant to Title 2, Sections 2-9-20 and 2-9-21, Code of Alabama, 1975. All fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping Point Inspection, grading and classification services for agricultural products including services furnished for weighing and issuing weight certificates to be used for the sale of agricultural commodities ..... |               | 3,234,000        |            |
| (6) Agricultural Fund (Any surplus remaining in the Agricultural Fund at the end of the fiscal year in excess of \$150,000 shall be transferred to the State General Fund.) .....  |               | <u>2,232,517</u> |            |
| Total Department of Agriculture and Industries .....   | 4,650,000     | 7,186,667        | 11,836,667 |
| 8. ALABAMA AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION:   |               |                  |            |
| (a) Agricultural Development Services Program .....  |               |                  | 36,000     |
| SOURCE OF FUNDS:   |               |                  |            |
| (1) State General Fund .....   | <u>36,000</u> |                  |            |
| Total Alabama Agricultural and Industrial Exhibit Commission .   | 36,000        |                  | 36,000     |
| 9. ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD:   |               |                  |            |

|   |            |
|---|------------|
| (a) Alcoholic Beverage Management Program ..... | 15,054,942 |
| (b) Licensing and Enforcement Program .....     | 5,388,700  |
| (c) Administrative Services Program .....       | 1,349,408  |

The above programs shall include transfers to the State Personnel Department of \$64,970, to Mental Health Department of \$1,000,000 and to Telephone Revolving Fund of \$11,340.

#### SOURCE OF FUNDS:

|                                   |            |
|-----------------------------------|------------|
| (1) ABC Stores Fund .....         | 16,404,350 |
| (2) Beer Excise Tax and Licensing | 1,904,388  |
| (3) Law Enforcement Division ...  | 3,484,312  |

In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by Said Board provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality

there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

|   |            |            |
|---|------------|------------|
| Total Alabama Alcoholic Beverage Control Board .....  | 21,793,050 | 21,793,050 |
| 10. BOARD FOR REGISTRATION OF ARCHITECTS:   |            |            |
| (a) Professional and Occupational Licensing and Regulation Program .....                                      |            | 44,500     |
| SOURCE OF FUNDS:  |            |            |
| (1) Board of Architects Trust Fund as provided in Title 34, Chapter 2, Code of Alabama 1975, as Amended ..... | 44,500     |            |
| Total Board for Registration of Architects .....  | 44,500     | 44,500     |
| 11. ARCHIVES AND HISTORY:   |            |            |
| (a) Historical Resources Management Program .....   |            | 350,000    |
| SOURCE OF FUNDS:  |            |            |
| (1) State General Fund .....  | 350,000    |            |
| Total Archives and History .....  | 350,000    | 350,000    |
| 12. OFFICE OF THE ATTORNEY GENERAL:   |            |            |
| (a) Legal Advice and Legal Services Program .....   |            | 1,600,000  |
| SOURCE OF FUNDS:  |            |            |
| (1) State General Fund .....  | 1,600,000  |            |
| Total Office of the Attorney General .....  | 1,600,000  | 1,600,000  |

## 13. STATE AUDITOR

|                               |  |  |         |
|-------------------------------|--|--|---------|
| (a) Fiscal Management Program |  |  | 475,000 |
|-------------------------------|--|--|---------|

## SOURCE OF FUNDS:

|                              |                |  |         |
|------------------------------|----------------|--|---------|
| (1) State General Fund ..... | <u>475,000</u> |  |         |
| Total State Auditor .....    | 475,000        |  | 475,000 |

## 14. STATE BANKING DEPARTMENT:

|   |  |  |           |
|---|--|--|-----------|
| (a) Charter, License, and Regulate Financial Institutions Program |  |  | 1,407,038 |
|---|--|--|-----------|

## SOURCE OF FUNDS:

|   |                |           |           |
|---|----------------|-----------|-----------|
| (1) Banking Assessment Fees as provided in Act No. 373, 1965 Regular Session .....  |                | 944,278   |           |
| (2) Bureau of Credit Unions as provided in Act No. 2293, 1971 Regular Session ..... |                | 132,712   |           |
| (3) Loan Examination Fund as provided in Act No. 374, 1959 Regular Session .....    |                | 30,048    |           |
| (4) State General Fund—Transfer   | <u>300,000</u> |           |           |
| Total State Banking Department .  | 300,000        | 1,107,038 | 1,407,038 |

## 15. ALABAMA STATE BAR ASSOCIATION:

|  |  |  |         |
|--|--|--|---------|
| (a) Professional and Occupational Licensing and Regulation Program ..... |  |  | 390,575 |
|--|--|--|---------|

## SOURCE OF FUNDS:

|   |  |                |         |
|---|--|----------------|---------|
| (1) State Bar Association Fund, pursuant to Title 34, Chapter 3, Code of Alabama 1975 ..... |  | <u>390,575</u> |         |
| Total Alabama State Bar Association .....   |  | 390,575        | 390,575 |

## 16. BEAR CREEK DEVELOPMENT AUTHORITY:

|  |  |  |         |
|--|--|--|---------|
| (a) Water Resource Development Program ..... |  |  | 125,303 |
|--|--|--|---------|

## SOURCE OF FUNDS:

|  |        |               |         |
|--|--------|---------------|---------|
| (1) State General Fund .....                     | 31,500 |               |         |
| (2) Federal, Local and Miscellaneous Funds ..... |        | <u>93,803</u> |         |
| Total Bear Creek Development Authority .....     | 31,500 | 93,803        | 125,303 |

## 17. BUILDING COMMISSION:

|  |         |           |           |
|--|---------|-----------|-----------|
| (a) Special Services Program . . . .   |         |           | 560,077   |
| SOURCE OF FUNDS:   |         |           |           |
| (1) State General Fund . . . . .   | 100,000 |           |           |
| (2) Federal, Local and Miscellaneous Funds . . . . .   |         | 460,077   |           |
| Total Building Commission . . . . .  | 100,000 | 460,077   | 560,077   |
| 18. ALABAMA STATE BOARD OF CHIROPRACTIC EXAMINERS:   |         |           |           |
| (a) Professional and Occupational Licensing and Regulation Program . . . . .                                       |         |           | 21,100    |
| SOURCE OF FUNDS:   |         |           |           |
| (1) Alabama State Board of Chiropractic Examiner's Fund as provided in Act No. 108, 1959 Regular Session . . . . . |         | 21,100    |           |
| Total Alabama State Board of Chiropractic Examiners . . . . .  |         | 21,100    | 21,100    |
| 19. DEPARTMENT OF CIVIL DEFENSE:   |         |           |           |
| (a) Readiness and Recovery Program . . . . .   |         |           | 2,492,487 |
| SOURCE OF FUNDS:   |         |           |           |
| (1) State General Fund . . . . .   | 240,000 |           |           |
| (2) Federal, Local and Miscellaneous Funds . . . . .   |         | 2,252,487 |           |
| Total Department of Civil Defense . . . . .  | 240,000 | 2,252,487 | 2,492,487 |
| 20. DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES:  |         |           |           |
| (a) Wildlife and Gamefish Management Program . . . . .   |         |           | 8,318,409 |
| (b) State Land Management Program . . . . .  |         |           | 347,390   |
| (c) Outdoor Recreation Sites and Services Program . . . . .  |         |           | 8,737,145 |
| (d) Administrative Services Program . . . . .  |         |           | 1,171,014 |
| (e) Capital Outlay—Lightwood Knot Creek State Park . . . . .   |         |           | 600,000   |
| SOURCE OF FUNDS:   |         |           |           |
| (1) Game and Fish Fund . . . . .   |         | 6,886,119 |           |
| (2) State Lands Fund . . . . .   |         | 347,390   |           |



The funds hereinabove appropriated from the State Lands Fund includes funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.

(3) Marine Resources Fund ..... 960,500

In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated and may be expended by the Director of Conservation on such Marine Resources Division Programs or projects which he deems appropriate.

(4) Marine Police Fund ..... 1,418,105

(5) State General Fund—Transfer to Parks Fund for Lightwood Knot Creek State Park ..... 600,000

(6) Parks Fund ..... 5,640,830

(Provided, however, of the amount hereinabove appropriated, at least \$100,000.00 thereof shall be expended for the operation, maintenance and Capital outlay of Tannehill State Park. This appropriation is absolute and payable at the beginning of the fiscal year.)

(7) Parks Fund ..... 100,000

For repair of the dam at Chattahoochee State Park.

(8) Administrative Funds ..... 1,171,014

The funds hereinabove appropriated shall be payable as provided in Title 9, Chapter 2, Section 1, Code of Alabama 1975.

(9) State General Fund—Transfer to Parks Fund ..... 2,050,000

|  |           |            |            |
|--|-----------|------------|------------|
| Total Department of Conservation and Natural Resources ..... | 2,650,000 | 16,523,958 | 19,173,958 |
|--|-----------|------------|------------|

21. GOVERNOR'S OFFICE OF CONSUMER PROTECTION:

|  |  |  |         |
|--|--|--|---------|
| (a) Fair Marketing Practices Program ..... |  |  | 223,440 |
|--|--|--|---------|

## SOURCE OF FUNDS:

|  |         |        |         |
|--|---------|--------|---------|
| (1) State General Fund .....                         | 200,000 |        |         |
| (2) Federal, Local and Miscellaneous Funds .....     |         | 23,440 |         |
| Total Governor's Office of Consumer Protection ..... | 200,000 | 23,440 | 223,440 |

## 22. STATE LICENSING BOARD FOR GENERAL CONTRACTORS:

|  |  |  |         |
|--|--|--|---------|
| (a) Professional and Occupational Licensing and Regulation Program ..... |  |  | 168,000 |
|--|--|--|---------|

## SOURCE OF FUNDS:

|  |  |         |  |
|--|--|---------|--|
| (1) State Licensing Board for General Contractors Fund ..... |  | 168,000 |  |
|--|--|---------|--|

Pursuant to Title 34, Chapter 8, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors there is hereby appropriated as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

|   |  |         |         |
|---|--|---------|---------|
| Total State Licensing Board for General Contractors ..... |  | 168,000 | 168,000 |
|---|--|---------|---------|

## 23. BOARD OF CORRECTIONS:

|   |  |  |            |
|---|--|--|------------|
| (a) Administrative Services and Logistical Support Program .... |  |  | 1,625,009  |
| (b) Institutional Services Corrections Program .....            |  |  | 22,431,581 |
| (c) Correctional Industries Program .....                       |  |  | 2,209,798  |

## SOURCE OF FUNDS:

|   |            |           |  |
|---|------------|-----------|--|
| (1) State General Fund—Transfer                   | 13,250,000 |           |  |
| (2) Federal, Local, and Miscellaneous Funds ..... |            | 2,000,000 |  |
| (3) Federal Revenue Sharing ....                  |            | 7,000,000 |  |
| (4) Board of Corrections Fund ...                 |            | 4,016,388 |  |

The Commissioner of Corrections is authorized to utilize funds herein

appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Board of Corrections. Any such grant funds so generated and in direct support of the Board of Corrections operations are also hereby appropriated. Provided, however, that no funds herein appropriated to the Board of Corrections shall be expended for capital outlay without prior approval of the Joint Corrections Management and Performance Evaluation Committee of the Legislature.

|                                      |            |            |            |
|--------------------------------------|------------|------------|------------|
| Total Board of Corrections . . . . . | 13,250,000 | 13,016,388 | 26,266,388 |
|--------------------------------------|------------|------------|------------|

24. ALABAMA BOARD OF COSMETOLOGY:

|  |  |  |         |
|--|--|--|---------|
| (a) Professional and Occupational Licensing and Regulation Program . . . . . |  |  | 262,000 |
|--|--|--|---------|

SOURCE OF FUNDS:

|   |  |                |  |
|---|--|----------------|--|
| (1) Alabama Board of Cosmetology Fund pursuant to provisions of Act No. 653, 1957 Regular Session . . . . . |  | <u>262,000</u> |  |
|---|--|----------------|--|

|  |  |         |         |
|--|--|---------|---------|
| Total Alabama Board of Cosmetology . . . . . |  | 262,000 | 262,000 |
|--|--|---------|---------|

25. ALABAMA CRIMINAL JUSTICE INFORMATION SYSTEM:

|   |  |  |           |
|---|--|--|-----------|
| (a) Criminal Justice Information Services Program . . . . . |  |  | 1,725,562 |
|---|--|--|-----------|

SOURCE OF FUNDS:

|  |           |                |  |
|--|-----------|----------------|--|
| (1) State General Fund . . . . .                     | 1,260,000 |                |  |
| (2) Federal, Local and Miscellaneous Funds . . . . . |           | <u>465,562</u> |  |

|   |           |         |           |
|---|-----------|---------|-----------|
| Total Alabama Criminal Justice Information System . . . . . | 1,260,000 | 465,562 | 1,725,562 |
|---|-----------|---------|-----------|

26. ALABAMA DAIRY COMMISSION:

|   |  |  |         |
|---|--|--|---------|
| (a) Regulatory Services Program . . . . . |  |  | 447,000 |
|---|--|--|---------|

SOURCE OF FUNDS:

(1) Dairy Commission Fund as

|   |                |                  |           |
|---|----------------|------------------|-----------|
| provided in Title 2, Chapter 13,<br>Code of Alabama 1975 .....  |                | <u>447,000</u>   |           |
| Total Alabama Dairy Commission  |                | 447,000          | 447,000   |
| 27. ALABAMA DEVELOPMENT<br>OFFICE:  |                |                  |           |
| (a) Administrative Services Pro-<br>gram .....  |                |                  | 1,708,104 |
| (b) Industrial Development Pro-<br>gram .....   |                |                  | 1,160,990 |
| (c) Planning Program .....  |                |                  | 3,506,385 |
| (d) Alabama Energy Management<br>Program .....  |                |                  | 400,081   |
| SOURCE OF FUNDS:  |                |                  |           |
| (1) State General Fund—Transfer   | 2,000,000      |                  |           |
| (2) Federal, Local and Miscellane-<br>ous Funds .....   |                | <u>4,775,560</u> |           |
| Total Alabama Development Office  | 2,000,000      | 4,775,560        | 6,775,560 |
| 28. STATE BOARD OF REGIS-<br>TRATION FOR PROFES-<br>SIONAL ENGINEERS AND<br>LAND SURVEYORS:   |                |                  |           |
| (a) Professional and Occupational<br>Licensing and Regulation Pro-<br>gram .....  |                |                  | 253,000   |
| SOURCE OF FUNDS:  |                |                  |           |
| (1) Professional Engineers'<br>Fund—as provided in Title 34,<br>Chapter 11, Code of Alabama<br>1975, as amended, and Act No.<br>1049, 1975 Regular Session .... |                | <u>253,000</u>   |           |
| Total State Board of Registration<br>for Professional Engineers and<br>Land Surveyors .....   |                | 253,000          | 253,000   |
| 29. ALABAMA ETHICS COM-<br>MISSION:   |                |                  |           |
| (a) Regulation of Public Officials<br>and Employees Program .....   |                |                  | 150,000   |
| SOURCE OF FUNDS:  |                |                  |           |
| (1) State General Fund .....  | <u>150,000</u> |                  |           |
| Total Alabama Ethics Commission   | 150,000        |                  | 150,000   |
| 30. FARMERS' MARKET AU-<br>THORITY:   |                |                  |           |
| (a) Agricultural Development<br>Services Program .....  |                |                  | 155,000   |

## SOURCE OF FUNDS:

|   |        |                |         |
|---|--------|----------------|---------|
| (1) State General Fund—Transfer   | 55,000 |                |         |
| (2) Farmers' Market Authority<br>Fund-Revenue and Capital Out-<br>lay Account ..... |        | <u>100,000</u> |         |
| Total Farmers' Market Authority   | 55,000 | 100,000        | 155,000 |

31. DEPARTMENT OF FI-  
NANCE:

|  |  |  |           |
|--|--|--|-----------|
| (a) Fiscal Management Program .                        |  |  | 1,540,540 |
| (b) Administrative Support Ser-<br>vices Program ..... |  |  | 3,134,660 |

## SOURCE OF FUNDS:

|   |           |                |           |
|---|-----------|----------------|-----------|
| (1) State General Fund .....  | 4,060,000 |                |           |
| Of the above appropriation in sub-<br>section (b) there is hereby au-<br>thorized \$15,000 to the Division<br>of Service to be used for operation<br>and maintenance of the Lurleen<br>B. Wallace Museum. |           |                |           |
| (2) Federal, Local and Miscellane-<br>ous Funds .....   |           | <u>615,200</u> |           |
| Total Department of Finance ....  | 4,060,000 | 615,200        | 4,675,200 |

32. FINANCE-TELEPHONE  
NETWORK FUND:

|  |  |  |           |
|--|--|--|-----------|
| (a) Administrative Support Ser-<br>vices Program ..... |  |  | 2,441,571 |
|--|--|--|-----------|

## SOURCE OF FUNDS:

|   |         |         |  |
|---|---------|---------|--|
| (1) State General Fund .....                                  | 532,000 |         |  |
| (2) Transfer from Alcoholic Bever-<br>age Control Board ..... |         | 11,340  |  |
| (3) Transfer from Agriculture and<br>Industries .....         |         | 20,000  |  |
| (4) Transfer from Public Service<br>Commission .....          |         | 16,740  |  |
| (5) Transfer from Revenue De-<br>partment .....               |         | 29,160  |  |
| (6) Transfer from Conservation—<br>Game and Fish .....        |         | 7,380   |  |
| (7) Transfer from Conservation—<br>Administrative .....       |         | 7,560   |  |
| (8) Transfer from State Forestry<br>Commission .....          |         | 19,440  |  |
| (9) Transfer from Highway De-<br>partment .....               |         | 112,808 |  |

|  |           |                |           |
|--|-----------|----------------|-----------|
| (10) Transfer from Mental Health   |           | 186,440        |           |
| (11) Transfer from Pensions and Security .....                           |           | 126,496        |           |
| (12) Transfer from Law Enforcement Planning Agency .....                 |           | 10,800         |           |
| (13) Transfer from Industrial Relations .....                            |           | 159,536        |           |
| (14) Transfer from Department of Education .....                         |           | 900,000        |           |
| (15) Accounts Receivable .....   |           | <u>301,871</u> |           |
| Total Finance-Telephone Network Fund .....                               | 532,000   | 1,909,571      | 2,441,571 |
| <b>33. ALABAMA STATE BOARD OF REGISTRATION FOR FORESTERS:</b>            |           |                |           |
| (a) Professional and Occupational Licensing and Regulation Program ..... |           |                | 17,900    |
| <b>SOURCE OF FUNDS:</b>  |           |                |           |
| (1) Professional Foresters' Fund ..                                      |           | <u>17,900</u>  |           |
| Total Alabama State Board of Registration for Foresters .....            |           | 17,900         | 17,900    |
| <b>34. ALABAMA FORESTRY COMMISSION:</b>                                  |           |                |           |
| (a) Forest Resource Protection Program .....                             |           |                | 5,069,226 |
| (b) Forest Resource Management and Development Program .....             |           |                | 1,774,567 |
| (c) Forestry Information and Education Program .....                     |           |                | 200,000   |
| (d) Administrative Services Program .....                                |           |                | 637,653   |
| (e) Emergency Firefighting Operations .....                              |           |                | 500,000   |
| <b>SOURCE OF FUNDS:</b>  |           |                |           |
| (1) State General Fund—Transfer  | 3,100,000 |                |           |
| (2) Federal and Local Funds .....  |           | 1,500,000      |           |
| (3) Forestry Commission Fund ...   |           | 3,081,446      |           |

It is provided that in the event receipts into the Forestry Commission Fund from County appropriations exceed the sum of \$500,000 then such excess is hereby appropriated. It is further provided that in the event re-

ceipts into the Forestry Commission Fund from Federal Funds exceed the sum of \$1,000,000, then such excess is hereby appropriated. In the event of an emergency, so determined by the Director of the Forestry Commission with the approval of the Governor is hereby authorized to meet such emergency by transferring to and from any item of expenditure herein appropriated for use by the Forestry Commission.

Of the above appropriation \$100,000 shall be used for rural and community fire protection.

|  |           |           |           |
|--|-----------|-----------|-----------|
| (4) State General Fund—Conditional .....   | 500,000   |           |           |
| (Conditional upon the condition of the State General Fund and upon approval of the Governor, with also a State of Emergency being declared by the State Forester.) |           |           |           |
| Total Alabama Forestry Commission .....  | 3,100,000 | 4,581,446 | 7,681,446 |
| Alabama Forestry Comm.—Conditional .....   | 500,000   |           | 500,000   |

### 35. ALABAMA HISTORICAL COMMISSION—FORT MORGAN:

|   |  |  |         |
|---|--|--|---------|
| (a) Historical Resources Management Program ..... |  |  | 135,000 |
|---|--|--|---------|

#### SOURCE OF FUNDS:

|   |        |        |         |
|---|--------|--------|---------|
| (1) State General Fund .....                          | 85,000 |        |         |
| (2) Federal, Local and Miscellaneous Funds .....      |        | 50,000 |         |
| Total Alabama Historical Commission—Fort Morgan ..... | 85,000 | 50,000 | 135,000 |

### 36. FUNERAL SERVICE, ALABAMA BOARD OF:

|  |  |  |        |
|--|--|--|--------|
| (a) Professional and Occupational Licensing and Regulation Program ..... |  |  | 81,900 |
|--|--|--|--------|

#### SOURCE OF FUNDS:

|  |  |  |  |
|--|--|--|--|
| (1) Alabama Funeral Directors and Embalmers Fund as pro- |  |  |  |
|--|--|--|--|

|   |                  |                |           |
|---|------------------|----------------|-----------|
| vided in Act No. 214, 1975 Regular Session .....  |                  | <u>81,900</u>  |           |
| Total Alabama Board of Funeral Service .....  |                  | 81,900         | 81,900    |
| <b>37. GEOLOGICAL SURVEY:</b>   |                  |                |           |
| (a) Discovery and Development of Minerals, Energy, and Water Resources, Geologic Research and Topographic Mapping Program .....       |                  |                | 1,458,875 |
| <b>SOURCE OF FUNDS:</b>   |                  |                |           |
| (1) State General Fund .....  | 915,000          |                |           |
| (2) Federal, Local and Miscellaneous Funds .....  |                  | <u>543,875</u> |           |
| Total Geological Survey .....   | 915,000          | 543,875        | 1,458,875 |
| <b>38. GORGAS MEMORIAL BOARD:</b>   |                  |                |           |
| (a) Historical Resources Management Program .....   |                  |                | 10,750    |
| <b>SOURCE OF FUNDS:</b>   |                  |                |           |
| (1) State General Fund—to provide for the appropriation authorized by Act No. 417, 1943 Acts, page 383 and an additional amount ..... | 9,000            |                |           |
| (2) Federal, Local and Miscellaneous Funds .....  |                  | <u>1,750</u>   |           |
| Total Gorgas Memorial Board ....  | 9,000            | 1,750          | 10,750    |
| <b>39. GOVERNOR'S OFFICE:</b>   |                  |                |           |
| (a) Executive Direction Program ..  |                  |                | 1,086,000 |
| <b>SOURCE OF FUNDS:</b>   |                  |                |           |
| (1) State General Fund .....  | <u>1,086,000</u> |                |           |
| Total Governor's Office .....   | 1,086,000        |                | 1,086,000 |
| <b>40. HEALING ARTS, STATE LICENSING BOARD FOR THE:</b>   |                  |                |           |
| (a) Professional and Occupational Licensing and Regulation Program .....  |                  |                | 92,000    |
| <b>SOURCE OF FUNDS:</b>   |                  |                |           |
| (1) State Licensing Board for the Healing Arts Fund .....   |                  | <u>92,000</u>  |           |
| Total State Licensing Board for the Healing Arts .....  |                  | 92,000         | 92,000    |



## 41. DEPARTMENT OF PUBLIC HEALTH:

|   |            |
|---|------------|
| (a) Administrative Services Program .....   | 2,942,030  |
| (b) Health Support Services Program .....   | 9,658,466  |
| (c) Personal Health Improvement Program .....   | 22,215,252 |
| (d) Environmental Health Improvement Program, provided that \$138,241 of such amount shall be used exclusively for the Alabama Water Improvement Commission ..... | 5,555,960  |
| (e) Special Services Program ....   | 1,143,424  |
| (f) Health Planning, Development and Regulation Program .....   | 2,954,453  |
| (g) Hypothyroid Screening Program (Conditional) .....   | 105,558    |

## SOURCE OF FUNDS:

|  |            |                   |
|--|------------|-------------------|
| (1) State General Fund .....   | 11,938,241 |                   |
| (1A) State General Fund (Conditional) .....  | 105,558    |                   |
| (The above appropriation is conditional upon the condition of the State General Fund and upon approval of the Governor.) |            |                   |
| (2) General and Mental Health Fund as provided in Act No. 654, 1965 Regular Session .....                                |            | 1,600,000         |
| (3) General and Mental Health Fund as provided in Act No. 275, 1967 Regular Session, as amended .....                    |            | 2,300,000         |
| (4) Vital Statistics Fund .....  |            | 804,247           |
| (5) Hospital Licensing Fund .....  |            | 76,780            |
| (6) Emergency Medical Services Fund as provided in Act No. 1590, 1971 Regular Session ....                               |            | 33,643            |
| (7) Federal, Local and Miscellaneous Funds .....   |            | <u>27,716,674</u> |

|  |            |            |            |
|--|------------|------------|------------|
| Total Department of Public Health        | 11,938,241 | 32,531,344 | 44,469,585 |
| Dept. of Public Health—Conditional ..... | 105,558    |            | 105,558    |

Provided that all appropriations for Health Support Services Program in excess of \$7,158,466 shall be spent in the following manner:

- a. This amount shall be distributed to the various County Boards of

Health, in the same proportion as the ratio of the population of each county bears to the population of the entire State, according to the most recent data from the U. S. Department of Commerce, Bureau of the Census, for use in their general operations, provided, however, that the portion of this distribution for each county shall be reduced by any amount of unobligated funds in excess of one-quarter of the total expenditures for the previous fiscal year, which is on hand as of October 1, 1978.

b. Following the distribution of these funds in the foregoing manner, any remaining funds shall be distributed by the State Committee of Public Health to such County Boards of Health as the Committee shall determine are in need of emergency financial assistance. At the end of the fiscal year, any remaining funds shall revert to the General Fund.

c. The \$2,200,000 distributed to each County Board of Health under this provision or any portion thereof shall not be used to reduce existing local or State appropriations or distributions to said County Boards of Health.

#### 42. HEARING AID DEALERS, ALABAMA BOARD OF:

|  |        |
|--|--------|
| (a) Professional and Occupational<br>Licensing and Regulation Pro-<br>gram ..... | 15,400 |
|--|--------|

#### SOURCE OF FUNDS:

|   |        |        |
|---|--------|--------|
| (1) Health—Hearing Aid Fund as<br>provided in Act No. 2425, 1971<br>Regular Session ..... | 15,400 |        |
| Total Alabama Board of Hearing<br>Aid Dealers .....                                       | 15,400 | 15,400 |

#### 43. HIGHWAY DEPARTMENT:

|  |             |
|--|-------------|
| (a) Central Administration Pro-<br>gram .....            | 6,899,685   |
| (b) Division and District Supervi-<br>sion Program ..... | 11,882,453  |
| (c) Operations and Support Ser-<br>vices Program .....   | 4,646,290   |
| (d) Maintenance Program .....                            | 39,000,000  |
| (e) Non-Programmatic Expendi-<br>tures .....             | 259,689,031 |

Proposed Spending Plan for the  
above (e) includes the following:

|                        |            |
|------------------------|------------|
| Debt Service .....     | 40,493,350 |
| Equipment—Road Mach. . | 750,000    |
| Equipment—Other .....  | 550,000    |
| Federal Aid Matching   | 38,005,038 |

For Construction of Feeder Roads  
and other portions of, or work in  
respect to, Federal Aid projects  
for which portions or work Fed-  
eral Matching Funds are not  
available .....

|  |           |
|--|-----------|
|  | 3,000,000 |
|--|-----------|

Operations Land and Build-  
ings ..... 250,000  
Advanced Construction—  
Bonds ..... 18,000,000  
State Construction ..... 4,429,898  
Federal Aid ..... 154,210,745  
259,689,031

|  |            |
|--|------------|
| (f) Captive Counties Program ....                                  | 10,806,709 |
| (g) State Const. (Conditional) ....                                | 3,500,000  |
| (h) Federal Aid Const.—State<br>Funds (Conditional) .....          | 3,429,898  |
| (i) Advance Construction Inter-<br>state—State Funds (Conditional) | 2,000,000  |
| (j) Maintenance Program (Condi-<br>tional) .....                   | 2,000,000  |
| (k) Erect Saturn B1 Rocket .....                                   | 125,000    |

From Lodging Tax Fund

#### SOURCE OF FUNDS:

|  |             |
|--|-------------|
| (1) Public Road and Bridge Fund                        | 13,906,714  |
| (2) Captive County Funds .....                         | 10,806,709  |
| (3) Federal Revenue Sharing ....                       | 11,000,000  |
| (4) Federal Aid .....                                  | 154,210,745 |
| (5) Bond Proceeds .....                                | 18,000,000  |
| (6) Public Road and Bridge Fund<br>(Conditional) ..... | 2,500,000   |
| (7) Highway Finance Corp. Bonds<br>(Conditional) ..... | 5,429,898   |

There is hereby appropriated, for payment of the principle of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, or Alabama Highway Finance Corporation, a total of \$40,493,350 or so much as may be necessary for payment of said principle and interest at their respective maturities, of the revenues pledged for such payment.

The Highway Director with the consent of the Governor and the Budget Office shall have the authority to transfer any appropriation or any portion thereof be-

tween and among subsections, (a) (b) (c) (d) (e) of this section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available.

In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable: In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:

- (1) the appropriations made for Debt Service in section (e) hereof shall be paid in full—
- (2) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purpose referred to in Sections (a) (b) (c) (d) (e) except for Debt Service, hereof shall be allocated among the purposes referred to in said Sections in such order and with such priorities as the State Highway Director shall from time to time direct.

The funds appropriated in section (e) hereof, for the matching Federal funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purposes for which such appropriation was made.

In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available.

Not later than ninety (90) days following the end of each fiscal year for which appropriations are made herein, the State Highway Director shall transmit to the Governor, Lieutenant Governor,

and each member of the Legislature, a report stating the portions of each appropriation made herein that have been spent in each county in the State during the fiscal year then ended.

|   |           |             |             |
|---|-----------|-------------|-------------|
| (8) Transfer from Lodging Tax Fund .....  |           | 125,000     |             |
| (9) State General Fund (Conditional) .....  | 3,000,000 |             |             |
| (The above appropriation is conditional upon the condition of the State General Fund and the approval of the Governor.) |           |             |             |
| TOTAL HIGHWAY DEPARTMENT .....  | —0—       | 333,049,168 | 333,049,168 |
| HIGHWAY DEPARTMENT—CONDITIONAL .....  | 3,000,000 | 7,929,898   | 10,929,898  |
| 44. HIGHWAY AND TRAFFIC SAFETY, OFFICE OF:  |           |             |             |
| (a) Traffic Control and Accident Prevention Element .....   |           |             | 2,788,000   |
| SOURCE OF FUNDS:  |           |             |             |
| (1) State General Fund .....  | 88,000    |             |             |
| (2) Federal, Local and Miscellaneous Funds .....  |           | 2,700,000   |             |
| Total Office of Highway and Traffic Safety .....  | 88,000    | 2,700,000   | 2,788,000   |
| 45. HISTORIC CHATTAHOOCHEE COMMISSION:  |           |             |             |
| (a) Historical Resources Management Program .....   |           |             | 79,000      |
| SOURCE OF FUNDS:  |           |             |             |
| (1) State General Fund Transfer .   | 79,000    |             |             |
| Total Historic Chattahoochee Commission .....   | 79,000    |             | 79,000      |
| 46. ALABAMA HISTORICAL COMMISSION:  |           |             |             |
| (a) Historical Resources Management Program .....   |           |             | 911,480     |
| SOURCE OF FUNDS:  |           |             |             |
| (1) State General Fund Transfer .   | 190,000   |             |             |
| (2) Federal, Local and Miscellaneous Funds .....  |           | 721,480     |             |

|   |               |                    |             |
|---|---------------|--------------------|-------------|
| Total Alabama Historical Commission .....   | 190,000       | 721,480            | 911,480     |
| Of the above appropriation \$15,000 shall be used for Live in a Landmark.   |               |                    |             |
| 47. DEPARTMENT OF INDUSTRIAL RELATIONS:   |               |                    |             |
| (a) Manpower Development and Employment Opportunity Program .....   |               |                    | 68,337,073  |
| (b) Unemployment Compensation Program .....   |               |                    | 157,590,194 |
| (c) Administrative Services Program .....   |               |                    | 2,126,699   |
| (d) Industrial Safety & Accident Prevention Program .....   |               |                    | 1,499,573   |
| SOURCE OF FUNDS:  |               |                    |             |
| (1) State General Fund .....  | 649,000       |                    |             |
| (2) Federal, Local and Miscellaneous Funds .....  |               | <u>228,904,539</u> |             |
| Total Department of Industrial Relations .....  | 649,000       | 228,904,539        | 229,553,539 |
| 48. STATE EMPLOYEES' INSURANCE BOARD:   |               |                    |             |
| (a) Administrative Support Services Program .....   |               |                    | 62,000      |
| SOURCE OF FUNDS:  |               |                    |             |
| (1) State General Fund .....  | <u>62,000</u> |                    |             |
| Total State Employees' Insurance Board .....  | 62,000        |                    | 62,000      |
| 49. DEPARTMENT OF INSURANCE:  |               |                    |             |
| (a) Regulatory Services Program .   |               |                    | 1,696,301   |
| SOURCE OF FUNDS:  |               |                    |             |
| (1) State General Fund .....  | 800,000       |                    |             |
| (2) State Insurance Fund as provided in Title 27, Chapter 2, Section 25, Code of Alabama 1975 .   |               | 767,315            |             |
| (3) Fire Marshals' Fund as provided in Act No. 1938, 1971 Regular Session, as amended. Any balance in excess of \$50,000 at the end of the fiscal year shall be transferred to the State General Fund ..... |               | <u>128,986</u>     |             |

|  |         |         |           |
|--|---------|---------|-----------|
| Total Department of Insurance . . .  | 800,000 | 896,301 | 1,696,301 |
| 50. DEPARTMENT OF LABOR:   |         |         |           |
| (a) Regulatory Services Program .  |         |         | 246,286   |
| SOURCE OF FUNDS:   |         |         |           |
| (1) State General Fund . . . . .   | 200,000 |         |           |
| (2) Federal, Local and Miscellaneous Funds . . . . .                               |         | 46,286  |           |
| Total Department of Labor . . . . .  | 200,000 | 46,286  | 246,286   |
| 51. LaGRANGE HISTORICAL COMMISSION:  |         |         |           |
| (a) Historical Resources Management Program . . . . .                              |         |         | 4,608     |
| SOURCE OF FUNDS:   |         |         |           |
| (1) State General Fund—as authorized by Act No. 551, 1943 Acts, page 540 . . . . . | 2,500   |         |           |
| (2) Federal, Local and Miscellaneous Funds . . . . .                               |         | 2,108   |           |
| Total LaGrange Historical Commission . . . . .                                     | 2,500   | 2,108   | 4,608     |
| 52. BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS:                                    |         |         |           |
| (a) Professional and Occupational Licensing and Regulation Program . . . . .       |         |         | 5,300     |
| SOURCE OF FUNDS:   |         |         |           |
| (1) Landscape Architects Funds . .   |         | 5,300   |           |
| Total Board of Examiners of Landscape Architects . . . . .                         |         | 5,300   | 5,300     |
| 53. LAW ENFORCEMENT FUND:  |         |         |           |
| (a) Special Police Services Program . . . . .                                      |         |         | 10,000    |
| SOURCE OF FUNDS:   |         |         |           |
| (1) State General Fund . . . . .   | 10,000  |         |           |
| Total Law Enforcement Fund . . .   | 10,000  |         | 10,000    |
| 54. ALABAMA LAW ENFORCEMENT PLANNING AGENCY:                                       |         |         |           |
| (a) Law Enforcement Planning and Development Program . . . . .                     |         |         | 9,695,904 |
| SOURCE OF FUNDS:   |         |         |           |

|   |            |                    |             |
|---|------------|--------------------|-------------|
| (1) State General Fund—for Matching Federal Funds .....   | 550,000    |                    |             |
| (2) Federal, Local and Miscellaneous Funds .....  |            | 9,145,904          |             |
| Total Law Enforcement Planning Agency .....   | 550,000    | 9,145,904          | 9,695,904   |
| 55. GAS BOARD, LIQUEFIED PETROLEUM:   |            |                    |             |
| (a) Regulatory Services Program .   |            |                    | 98,000      |
| SOURCE OF FUNDS:  |            |                    |             |
| (1) L. P. Gas Board Fund .....  |            | <u>98,000</u>      |             |
| Total Liquefied Petroleum Gas Board .....   |            | 98,000             | 98,000      |
| 56. MEDICAL SERVICES ADMINISTRATION:  |            |                    |             |
| (a) Medical Assistance through Medicaid Program .....   |            |                    | 232,724,148 |
| SOURCE OF FUNDS:  |            |                    |             |
| (1) State General Fund .....  | 57,500,000 |                    |             |
| (2) Federal, Local and Miscellaneous Funds .....  |            | <u>175,224,148</u> |             |
| Total Medical Services Administration .....   | 57,500,000 | 175,224,148        | 232,724,148 |
| 57. DEPARTMENT OF MENTAL HEALTH:  |            |                    |             |
| (a) Institutional Treatment and Care—Mental Illness Program .   |            |                    | 46,535,388  |
| (b) Institutional Treatment and Care—Mental Retardation Program .....   |            |                    | 38,053,548  |
| (c) Non-Institutional Treatment and Care Program .....  |            |                    | 19,749,038  |
| (d) Administrative Service Program .....  |            |                    | 3,720,595   |
| SOURCE OF FUNDS:  |            |                    |             |
| (1) Special Mental Health Fund—for operation and maintenance of the State Mental Health Department including the purchase of drugs to medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama State Hospitals ..... |            | 60,717,711         |             |
| (2) Special Mental Health Fund—Community Program ...  |            | 7,335,828          |             |
| (3) Transfer from ABC Profits ...   |            | 1,000,000          |             |



|  |                   |             |
|--|-------------------|-------------|
| (4) Cigarette Taxes .....                        | 5,346,000         |             |
| (5) Federal, Local and Miscellaneous Funds ..... | 16,909,030        |             |
| (6) Federal Revenue Sharing ....                 | <u>16,750,000</u> |             |
| Total Department of Mental Health .....          | 108,058,569       | 108,058,569 |

#### 58. A—MILITARY DEPARTMENT:

|                                   |           |
|-----------------------------------|-----------|
| (a) Military Operations Program . | 2,893,020 |
| (b) Capital Outlay .....          | 546,980   |

#### SOURCE OF FUNDS:

|  |                  |           |
|--|------------------|-----------|
| (1) State General Fund—Transfer Capital Outlay for the Armories at Ashland, Winfield, Huntsville, Jasper, and Sub-Surface Soil Investigation .....   | 507,500          |           |
| (2) State General Fund Transfer for Architect and Engineering Services and Specifications for the Armories at Arab, Atmore, Eufaula and Ft. Payne .....  | 39,480           |           |
| (3) State General Fund—Operations .....  | 764,894          |           |
| (4) State General Fund—Quarterly Allowances Headquarters—Regular Allowance Units to be used solely for operating expenses; provided that no more than \$4,500 shall be allotted in any fiscal year for the Headquarters Alabama National Guard. .... | 622,350          |           |
| (5) State General Fund—Active Military Service .....   | 88,766           |           |
| (6) State General Fund—For transfer to Armory Commission   | <u>1,417,010</u> |           |
| Total Military Department .....  | 3,440,000        | 3,440,000 |

#### 58. B—ARMORY COMMISSION OF ALABAMA:

|                                   |           |
|-----------------------------------|-----------|
| (a) Military Operations Program . | 2,021,318 |
|-----------------------------------|-----------|

#### SOURCE OF FUNDS:

|  |           |
|--|-----------|
| (1) Transfer from Military Department .....      | 1,417,010 |
| (2) Federal, Local and Miscellaneous Funds ..... | 604,308   |

The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance, and construction of armories. Provided, however, that the last Federal Government service contract reimbursement shall not revert to the State General Fund. Any surplus remaining in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000 shall be transferred to the State General Fund.

|  |                  |           |
|--|------------------|-----------|
| Total Armory Commission of Alabama .....   | 2,021,318        | 2,021,318 |
| <b>59. BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS:</b>                          |                  |           |
| (a) Professional and Occupational Licensing and Regulation Program .....               |                  | 11,000    |
| <b>SOURCE OF FUNDS:</b>  |                  |           |
| (1) Nursing Home Administration Fund .....   | <u>11,000</u>    |           |
| Total Board of Examiners of Nursing Home Administrators .....                          | 11,000           | 11,000    |
| <b>60. OIL AND GAS BOARD:</b>  |                  |           |
| (a) Management and Regulation of Oil and Gas Exploration and Development Program ..... |                  | 746,000   |
| <b>SOURCE OF FUNDS:</b>  |                  |           |
| (1) State General Fund .....   | <u>746,000</u>   |           |
| Total Oil and Gas Board .....  | 746,000          | 746,000   |
| <b>61. BOARD OF PARDONS AND PAROLES:</b>   |                  |           |
| (a) Administration of Pardons and Paroles Program .....                                |                  | 3,457,580 |
| <b>SOURCE OF FUNDS:</b>  |                  |           |
| (1) State General Fund .....   | 2,303,000        |           |
| (2) Federal, Local and Miscellaneous Funds .....                                       | <u>1,154,580</u> |           |

|                                    |           |           |           |
|------------------------------------|-----------|-----------|-----------|
| Total Board of Pardons and Paroles | 2,303,000 | 1,154,580 | 3,457,580 |
|------------------------------------|-----------|-----------|-----------|

**62. ALABAMA PEACE OFFICERS' ANNUITY AND BENEFIT FUND:**

|                                |  |  |           |
|--------------------------------|--|--|-----------|
| (a) Retirement Systems Program |  |  | 1,779,700 |
|--------------------------------|--|--|-----------|

**SOURCE OF FUNDS:**

(1) Peace Officers' Annuity and Benefit Fund as provided in Act No. 1210, 1971 Regular Session

|  |                  |  |  |
|--|------------------|--|--|
|  | <u>1,779,700</u> |  |  |
|--|------------------|--|--|

|  |  |           |           |
|--|--|-----------|-----------|
| Total Alabama Peace Officers' Annuity and Benefit Fund . . . . . |  | 1,779,700 | 1,779,700 |
|--|--|-----------|-----------|

**63. PENSIONS:**

(a) Social Services Program—for Confederate Veterans and their widows:

Such an amount as may be necessary to pay all the pensions allowed to Confederate soldiers and sailors and their widows.

**SOURCE OF FUNDS:**

(1) Proceeds from the levy of the one mill tax as provided by Title 40, Chapter 8, Section 361, Code of Alabama, 1975.

**64. PENSIONS AND SECURITY:**

|                                  |  |  |             |
|----------------------------------|--|--|-------------|
| (a) Financial Assistance Program |  |  | 107,541,035 |
|----------------------------------|--|--|-------------|

|                                       |  |  |            |
|---------------------------------------|--|--|------------|
| (b) Social Services Program . . . . . |  |  | 76,050,347 |
|---------------------------------------|--|--|------------|

|                                       |  |  |            |
|---------------------------------------|--|--|------------|
| (c) Food Assistance Program . . . . . |  |  | 11,884,857 |
|---------------------------------------|--|--|------------|

|   |  |  |           |
|---|--|--|-----------|
| (d) Child Support Enforcement Program . . . . . |  |  | 4,601,677 |
|---|--|--|-----------|

**SOURCE OF FUNDS:**

(1) Federal, Local and Miscellaneous Funds . . . . .

|  |             |  |  |
|--|-------------|--|--|
|  | 149,588,419 |  |  |
|--|-------------|--|--|

(2) Liquor License Tax . . . . .

|  |           |  |  |
|--|-----------|--|--|
|  | 1,319,552 |  |  |
|--|-----------|--|--|

(3) ABC Profits . . . . .

|  |           |  |  |
|--|-----------|--|--|
|  | 2,023,551 |  |  |
|--|-----------|--|--|

(4) Whiskey Tax . . . . .

|  |            |  |  |
|--|------------|--|--|
|  | 17,241,387 |  |  |
|--|------------|--|--|

(5) Beer Tax . . . . .

|  |           |  |  |
|--|-----------|--|--|
|  | 8,543,712 |  |  |
|--|-----------|--|--|

(6) Pension Residue . . . . .

|  |           |  |  |
|--|-----------|--|--|
|  | 6,953,797 |  |  |
|--|-----------|--|--|

(7) Sales Tax . . . . .

|  |           |  |  |
|--|-----------|--|--|
|  | 1,322,000 |  |  |
|--|-----------|--|--|

(8) Franchise Tax . . . . .

|  |           |  |  |
|--|-----------|--|--|
|  | 7,412,361 |  |  |
|--|-----------|--|--|

(9) Cigarette Tax . . . . .

|  |           |  |  |
|--|-----------|--|--|
|  | 4,252,993 |  |  |
|--|-----------|--|--|

(10) Contractor's Gross Receipts Tax . . . . .

|  |           |  |  |
|--|-----------|--|--|
|  | 1,409,644 |  |  |
|--|-----------|--|--|

|                                   |               |             |
|-----------------------------------|---------------|-------------|
| (11) Pension Fund .....           | <u>10,500</u> |             |
| Total Pensions and Security ..... | 200,077,916   | 200,077,916 |

It is provided that not more than four thousand (4,000) employees shall be paid from the above appropriation.

#### 65. STATE PERSONNEL DEPARTMENT:

|  |  |           |
|--|--|-----------|
| (a) Administrative Support Program ..... |  | 1,350,056 |
|--|--|-----------|

#### SOURCE OF FUNDS:

|  |         |               |           |
|--|---------|---------------|-----------|
| (1) State General Fund Transfer .                        | 125,000 |               |           |
| (2) Federal, Local and Miscellaneous Funds .....         |         | 255,000       |           |
| (3) Transfer from Agriculture and Industries .....       |         | 20,162        |           |
| (4) Transfer from Alcoholic Beverage Control Board ..... |         | 64,970        |           |
| (5) Transfer from Conservation Department .....          |         | 30,244        |           |
| (6) Transfer from Board of Corrections .....             |         | 38,086        |           |
| (7) Transfer from State Docks ...                        |         | 6,722         |           |
| (8) Transfer from Education .....                        |         | 43,685        |           |
| (9) Transfer from Forestry Commission .....              |         | 21,281        |           |
| (10) Transfer from Highway Department .....              |         | 219,552       |           |
| (11) Transfer from Industrial Relations .....            |         | 62,730        |           |
| (12) Transfer from Department of Mental Health .....     |         | 230,752       |           |
| (13) Transfer from Pensions and Security .....           |         | 188,186       |           |
| (14) Transfer from Revenue Department .....              |         | <u>43,686</u> |           |
| Total State Personnel Department                         | 125,000 | 1,225,056     | 1,350,056 |

#### 66. BOARD OF PHYSICAL THERAPY:

|  |  |        |
|--|--|--------|
| (a) Professional and Occupational Licensing and Regulation Program ..... |  | 14,200 |
|--|--|--------|

#### SOURCE OF FUNDS:

|  |                |            |
|--|----------------|------------|
| (1) Physical Therapist Fund . . . . .  | <u>14,200</u>  |            |
| Total Board of Physical Therapy .  | 14,200         | 14,200     |
| 67. PREVAILING WAGE COMMISSION:  |                |            |
| (a) Regulatory Services Program .  |                | 18,000     |
| SOURCE OF FUNDS:   |                |            |
| (1) State General Fund . . . . .   | <u>18,000</u>  |            |
| Total Prevailing Wage Commission . . . . .                                   | 18,000         | 18,000     |
| 68. OFFICE OF PROSECUTION SERVICES:  |                |            |
| (a) Prosecution, Training, Education and Management Program                  |                | 140,600    |
| SOURCE OF FUNDS:   |                |            |
| (1) Federal, Local and Miscellaneous Funds . . . . .                         | <u>140,600</u> |            |
| Total Prosecution Services . . . . .   | 140,600        | 140,600    |
| 69. ALABAMA BOARD OF EXAMINERS IN PSYCHOLOGY:                                |                |            |
| (a) Professional and Occupational Licensing and Regulation Program . . . . . |                | 10,200     |
| SOURCE OF FUNDS:   |                |            |
| (1) Board of Examiners of Psychology Fund . . . . .                          | <u>10,200</u>  |            |
| Total Board of Examiners in Psychology . . . . .                             | 10,200         | 10,200     |
| 70. DEPARTMENT OF PUBLIC SAFETY:   |                |            |
| (a) Traffic Control and Accident Prevention Program . . . . .                |                | 11,270,936 |
| (b) Criminal Investigation Program . . . . .                                 |                | 1,402,416  |
| (c) Public Safety Support Service Program . . . . .                          |                | 5,311,715  |
| (d) Special Police Services Program . . . . .                                |                | 345,054    |
| (e) Administrative Services Program . . . . .                                |                | 1,453,540  |
| (f) Alabama Criminal Justice Training Center Program . . . . .               |                | 1,680,339  |
| SOURCE OF FUNDS:   |                |            |
| (1) State General Fund . . . . .   | 21,464,000     |            |

|                                   |            |  |            |
|-----------------------------------|------------|--|------------|
| Total Department of Public Safety | 21,464,000 |  | 21,464,000 |
|-----------------------------------|------------|--|------------|

71. PUBLIC SERVICE COMMISSION:

|                                   |  |  |           |
|-----------------------------------|--|--|-----------|
| (a) Regulatory Services Program . |  |  | 1,795,683 |
|-----------------------------------|--|--|-----------|

|   |  |  |         |
|---|--|--|---------|
| (b) Administrative Services Program . . . . . |  |  | 704,317 |
|---|--|--|---------|

SOURCE OF FUNDS:

|  |  |           |  |
|--|--|-----------|--|
| (1) Public Service Commission Fund . . . . . |  | 2,500,000 |  |
|--|--|-----------|--|

The above appropriations to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities and transportation companies and such parts or percentage of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission at the end of the fiscal year in excess of \$300,000 shall be transferred to the State General Fund.

|                                   |  |           |           |
|-----------------------------------|--|-----------|-----------|
| Total Public Service Commission . |  | 2,500,000 | 2,500,000 |
|-----------------------------------|--|-----------|-----------|

72. BUREAU OF PUBLICITY AND INFORMATION:

|  |  |  |           |
|--|--|--|-----------|
| (a) Tourism and Travel Promotion Program . . . . . |  |  | 1,622,687 |
|--|--|--|-----------|

SOURCE OF FUNDS:

|                                  |         |  |  |
|----------------------------------|---------|--|--|
| (1) State General Fund . . . . . | 500,000 |  |  |
|----------------------------------|---------|--|--|

|   |  |           |  |
|---|--|-----------|--|
| (2) Lodging Tax (1¢)—receipts collected under the provisions of Act No. 269, 1963 Regular Session . |  | 1,122,687 |  |
|---|--|-----------|--|

|   |         |           |           |
|---|---------|-----------|-----------|
| Total Bureau of Publicity and Information . . . . . | 500,000 | 1,122,687 | 1,622,687 |
|---|---------|-----------|-----------|

73. ALABAMA REAL ESTATE COMMISSION:

|  |  |  |         |
|--|--|--|---------|
| (a) Professional and Occupational Licensing and Regulation Program . . . . . |  |  | 450,000 |
|--|--|--|---------|

SOURCE OF FUNDS:

|  |  |  |  |
|--|--|--|--|
| (1) Alabama Real Estate Commission Fund—as provided in Title 34, Chapter 27, Code of Alabama 1975, as amended, and the total |  |  |  |
|--|--|--|--|

|  |           |            |
|--|-----------|------------|
| expenditures shall in no manner exceed the amounts hereby appropriated .....   | 450,000   |            |
| Total Real Estate Commission ...   | 450,000   | 450,000    |
| <b>74. EMPLOYEES' RETIREMENT SYSTEM OF ALABAMA (GENERAL FUND'S PART):</b>  |           |            |
| (a) Retirement System Program, Estimated .....   |           | 7,000,000  |
| <b>SOURCE OF FUNDS:</b>  |           |            |
| (1) State General Fund, Estimated  | 7,000,000 |            |
| Total Employees' Retirement System of Alabama (General Fund's Part) .....  | 7,000,000 | 7,000,000  |
| <b>75. REVENUE DEPARTMENT:</b>   |           |            |
| (a) State Revenue Administration Program .....   |           | 16,902,284 |
| <b>SOURCE OF FUNDS:</b>  |           |            |
| (1) State General Fund .....   | 250,000   |            |
| Appropriated by Act No. 160, 3rd Special Session 1971, to maintain a program for the equalization of ad valorem tax assessments. |           |            |
| (2) Transfer from the gross proceeds of Financial Institution Excise Tax Collections .....                                       | 177,584   |            |
| (3) Transfer from the gross proceeds of the Forest Severance Tax Collections .....   | 180,646   |            |
| (4) Transfer from the gross proceeds of Gasoline Tax Collections   | 1,184,917 |            |
| (5) Transfer from the Income Tax Collections .....   | 3,934,416 |            |
| (6) Transfer from the gross proceeds of Motor Fuel Tax Collections .....   | 684,313   |            |
| (7) Transfer from the gross proceeds of Motor Vehicle License Collections .....  | 691,969   |            |
| (8) Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax .....                         | 211,264   |            |
| (9) Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax .....                   | 522,037   |            |

|  |           |
|--|-----------|
| (10) Transfer from the gross proceeds of Sales Tax Collections . .   | 5,474,502 |
| (11) Transfer from the gross proceeds of the Tobacco Tax Collections . . . . .   | 1,128,274 |
| (12) Transfer from the gross proceeds of Use Tax Collections . .   | 538,877   |
| (13) Transfer from the gross proceeds of Cigarette Tax Collections, Act No. 275, 1967 Regular Session . . . . .                | 228,105   |
| (14) Transfer from the gross proceeds of the Utility Tax Collections as provided in Act No. 37, 1969 Special Session . . . . . | 352,108   |
| (15) Federal, Local and Miscellaneous Funds . . . . .  | 1,343,272 |

The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collection of the taxes as authorized by law.

Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated, to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

|                                    |         |            |            |
|------------------------------------|---------|------------|------------|
| Total Revenue Department . . . . . | 250,000 | 16,652,284 | 16,902,284 |
|------------------------------------|---------|------------|------------|

#### 76. REVENUE—AUTO TITLE AND ANTITHEFT:

|  |  |           |
|--|--|-----------|
| (a) State Revenue Administration Program . . . . . |  | 1,000,000 |
|--|--|-----------|

#### SOURCE OF FUNDS:

|                                   |                  |
|-----------------------------------|------------------|
| (1) State General Fund Transfer . | <u>1,000,000</u> |
|-----------------------------------|------------------|

|  |           |           |
|--|-----------|-----------|
| Total Revenue—Auto Title and Antitheft . . . . . | 1,000,000 | 1,000,000 |
|--|-----------|-----------|

#### 77. REVENUE—BOARDS OF EQUALIZATION:

|  |  |         |
|--|--|---------|
| (a) State Revenue Administration Program . . . . . |  | 160,000 |
|--|--|---------|



## SOURCE OF FUNDS:

|  |         |         |
|--|---------|---------|
| (1) State General Fund .....               | 160,000 |         |
| Total Revenue—Boards of Equalization ..... | 160,000 | 160,000 |

## 78. REVENUE—MOTOR VEHICLE LICENSE:

|  |  |           |
|--|--|-----------|
| (a) State Revenue Administration Program ..... |  | 2,019,000 |
|--|--|-----------|

## SOURCE OF FUNDS:

|   |           |           |
|---|-----------|-----------|
| (1) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags ..... | 2,019,000 |           |
| Total Revenue—Motor Vehicle License .....   | 2,019,000 | 2,019,000 |

## 79. RICHMOND P. HOBSON MEMORIAL BOARD:

|  |  |        |
|--|--|--------|
| (a) Historical Resource Management Program ..... |  | 10,359 |
|--|--|--------|

## SOURCE OF FUNDS:

|  |       |        |
|--|-------|--------|
| (1) State General Fund—to provide the appropriation authorized by Act No. 536, 1943 Acts, page 510, and an additional amount ..... | 8,500 |        |
| (2) Richmond Pearson Hobson Operating Fund .....   | 1,859 |        |
| Total Richmond Pearson Hobson Memorial Board .....   | 8,500 | 1,859  |
|  |       | 10,359 |

## 80. BOARD OF REGISTRATION FOR SANITARIANS:

|  |  |       |
|--|--|-------|
| (a) Professional and Occupational Licensing and Regulation Program ..... |  | 3,700 |
|--|--|-------|

## SOURCE OF FUNDS:

|   |       |       |
|---|-------|-------|
| (1) Registration Board of Sanitarians Funds—as provided in Act No. 209, 1964 Second Special Session ..... | 3,700 |       |
| Total Board of Registration for Sanitarians .....   | 3,700 | 3,700 |

## 81. SECRETARY OF STATE:

|   |  |         |
|---|--|---------|
| (a) Administrative Support Services Program ..... |  | 290,000 |
|---|--|---------|

## SOURCE OF FUNDS:

|                                |                |         |
|--------------------------------|----------------|---------|
| (1) State General Fund .....   | <u>290,000</u> |         |
| Total Secretary of State ..... | 290,000        | 290,000 |

## 82. SECURITIES COMMISSION:

|                                   |  |         |
|-----------------------------------|--|---------|
| (a) Regulatory Services Program . |  | 323,131 |
|-----------------------------------|--|---------|

## SOURCE OF FUNDS:

|  |         |               |         |
|--|---------|---------------|---------|
| (1) State General Fund .....                     | 250,000 |               |         |
| (2) Federal, Local and Miscellaneous Funds ..... |         | 57,131        |         |
| (3) Sales of Checks License Fund                 |         | 6,000         |         |
| (4) Exemption Fund .....                         |         | <u>10,000</u> |         |
| Total Securities Commission .....                | 250,000 | 73,131        | 323,131 |

## 83. SOCIAL SECURITY AGENCY:

|   |  |  |         |
|---|--|--|---------|
| (a) Administrative Support Services Program ..... |  |  | 216,495 |
|---|--|--|---------|

## SOURCE OF FUNDS:

|  |         |               |         |
|--|---------|---------------|---------|
| (1) State General Fund .....                     | 200,000 |               |         |
| (2) Federal, Local and Miscellaneous Funds ..... |         | <u>16,495</u> |         |
| Total Social Security Agency .....               | 200,000 | 16,495        | 216,495 |

## 84. ALABAMA STATE BOARD OF SOCIAL WORK EXAMINERS:

|  |  |  |        |
|--|--|--|--------|
| (a) Professional and Occupational Licensing and Regulation Program ..... |  |  | 46,200 |
|--|--|--|--------|

## SOURCE OF FUNDS:

|  |  |               |        |
|--|--|---------------|--------|
| (1) Alabama State Board of Social Work Examiners Fund—as provided in Act No. 652, 1977 Regular Session ..... |  | <u>46,200</u> |        |
| Total Alabama State Board of Social Work Examiners .....   |  | 46,200        | 46,200 |

## 85. ALABAMA STATE SOIL AND WATER CONSERVATION COMMITTEE:

|  |  |  |         |
|--|--|--|---------|
| (a) Water Resource Development Program ..... |  |  | 407,000 |
|--|--|--|---------|

## SOURCE OF FUNDS:

|   |                |  |         |
|---|----------------|--|---------|
| (1) State General Fund .....                              | <u>407,000</u> |  |         |
| Total Alabama State Soil and Water Conservation Committee | 407,000        |  | 407,000 |

86. ALABAMA BOARD OF  
EXAMINERS FOR SPEECH  
PATHOLOGY AND AUDIOL-  
OGY:

|  |       |
|--|-------|
| (a) Professional and Occupational<br>Licensing and Regulation Pro-<br>gram ..... | 5,400 |
|--|-------|

SOURCE OF FUNDS:

|  |       |
|--|-------|
| (1) Alabama Board of Examiners<br>for Speech Pathology and Au-<br>diology Fund—as provided in Act<br>90, 4th Special Session, 1975 ... | 5,400 |
|--|-------|

|   |       |       |
|---|-------|-------|
| Total Alabama Board of Examiners<br>for Speech Pathology and Au-<br>diology ..... | 5,400 | 5,400 |
|---|-------|-------|

87. SURFACE MINING RECLA-  
MATION COMMISSION:

|  |         |
|--|---------|
| (a) Industrial Safety and Accident<br>Prevention Program ..... | 637,694 |
|--|---------|

SOURCE OF FUNDS:

|  |         |
|--|---------|
| (1) Surface Mining Reclamation<br>Commission Fund, as provided<br>for by Act 551, 1975 Regular Ses-<br>sion. All fees and charges, grants,<br>gifts, fines, bond forfeitures, or<br>other such monies received under<br>the above act, in addition to the<br>appropriation herein made, are<br>appropriated to the Surface Min-<br>ing Reclamation Commission .. | 512,694 |
|--|---------|

|                              |         |
|------------------------------|---------|
| (2) State General Fund ..... | 125,000 |
|------------------------------|---------|

|  |         |         |         |
|--|---------|---------|---------|
| Total Surface Mining Reclamation<br>Commission ..... | 125,000 | 512,694 | 637,694 |
|--|---------|---------|---------|

|  |
|--|
| (3) Provided, however, that should<br>any funds be reimbursed to the<br>State under Public Law 95-87,<br>the first \$125,000 of such reim-<br>bursement received after Sep-<br>tember 30, 1978 shall be im-<br>mediately transferred to the<br>State General Fund. |
|--|

88. TANNEHILL FURNACE  
AND FOUNDRY COMMIS-  
SION:

|  |         |
|--|---------|
| (a) Historical Resources Manage-<br>ment Program ..... | 427,050 |
|--|---------|

SOURCE OF FUNDS:

|                              |        |
|------------------------------|--------|
| (1) State General Fund ..... | 25,000 |
|------------------------------|--------|

|   |                |                |           |
|---|----------------|----------------|-----------|
| (2) Federal, Local and Miscellaneous Funds .....  |                | <u>402,050</u> |           |
| Total Tannehill Furnace and Foundry Commission .....  | 25,000         | 402,050        | 427,050   |
| 89. TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT AUTHORITY:                                     |                |                |           |
| (a) Water Resource Development Program .....  |                |                | 406,786   |
| SOURCE OF FUNDS:  |                |                |           |
| (1) State General Fund—as provided in Act No. 355, 1957 Regular Session .....               | 150,000        |                |           |
| (2) Federal, Local and Miscellaneous Funds .....  |                | <u>256,786</u> |           |
| Total Tennessee-Tombigbee Waterway Development Authority .....                              | 150,000        | 256,786        | 406,786   |
| 90. DEPARTMENT OF TOXICOLOGY AND CRIMINAL INVESTIGATION:                                    |                |                |           |
| (a) Forensic Science Service Program .....  |                |                | 1,520,000 |
| SOURCE OF FUNDS:  |                |                |           |
| (1) State General Fund .....  | 1,420,000      |                |           |
| (2) Federal, Local and Miscellaneous Funds .....  |                | <u>100,000</u> |           |
| Total Department of Toxicology and Criminal Investigation ....                              | 1,420,000      | 100,000        | 1,520,000 |
| 91. STATE TREASURER:  |                |                |           |
| (a) Fiscal Management Program .   |                |                | 700,000   |
| SOURCE OF FUNDS:  |                |                |           |
| (1) State General Fund .....  | <u>700,000</u> |                |           |
| Total State Treasurer .....   | 700,000        |                | 700,000   |
| 92. COMMISSION ON UNIFORM STATE LAWS:   |                |                |           |
| (a) Special Services Program ....   |                |                | 5,000     |
| SOURCE OF FUNDS:  |                |                |           |
| (1) State General Fund—total amount appropriated by Act No. 926, Acts 1951, page 1575 ..... | <u>5,000</u>   |                |           |
| Total Commission on Uniform State Laws .....  | 5,000          |                | 5,000     |

93. DEPARTMENT OF VETER-  
ANS AFFAIRS:

|   |  |           |
|---|--|-----------|
| (a) Administration of Veterans Af-<br>fairs Program ..... |  | 1,250,000 |
|---|--|-----------|

## SOURCE OF FUNDS:

|                              |                  |  |
|------------------------------|------------------|--|
| (1) State General Fund ..... | <u>1,250,000</u> |  |
|------------------------------|------------------|--|

|   |           |           |
|---|-----------|-----------|
| Total Department of Veterans Af-<br>fairs ..... | 1,250,000 | 1,250,000 |
|---|-----------|-----------|

94. ALABAMA STATE BOARD  
OF VETERINARY MEDICAL  
EXAMINERS:

|  |  |        |
|--|--|--------|
| (a) Professional and Occupational<br>Licensing and Regulation Pro-<br>gram ..... |  | 11,500 |
|--|--|--------|

## SOURCE OF FUNDS:

|  |               |  |
|--|---------------|--|
| (1) Veterinary Medical Examiners<br>Fund—as provided in Act No.<br>945, approved September 13,<br>1951 ..... | <u>11,500</u> |  |
|--|---------------|--|

|   |        |        |
|---|--------|--------|
| Total Alabama State Board of Vet-<br>erinary Medical Examiners .... | 11,500 | 11,500 |
|---|--------|--------|

95. BOARD OF CERTIFICATION  
FOR WATER AND WASTE  
WATER SYSTEMS PERSON-  
NEL:

|  |  |       |
|--|--|-------|
| (a) Professional and Occupational<br>Licensing and Regulation Pro-<br>gram ..... |  | 4,800 |
|--|--|-------|

## SOURCE OF FUNDS:

|  |              |  |
|--|--------------|--|
| (1) Operators certification Fund as<br>provided in Act No. 1594, 1971<br>Regular Session ..... | <u>4,800</u> |  |
|--|--------------|--|

|  |       |       |
|--|-------|-------|
| Total Board of Certification for<br>Water and Waste Water Systems<br>Personnel ..... | 4,800 | 4,800 |
|--|-------|-------|

96. ALABAMA WATER WELL  
STANDARDS BOARD:

|  |  |        |
|--|--|--------|
| (a) Professional and Occupational<br>Licensing and Regulation Pro-<br>gram ..... |  | 57,600 |
|--|--|--------|

## SOURCE OF FUNDS:

|  |               |  |
|--|---------------|--|
| (1) Water Well Standards Board<br>Fund—as provided in Act No.<br>1516, 1971 Regular Session .... | <u>57,600</u> |  |
|--|---------------|--|

|   |        |        |
|---|--------|--------|
| Total Alabama Water Well Stan-<br>dards Board ..... | 57,600 | 57,600 |
|---|--------|--------|

# 97. ALABAMA WOMEN'S COMMISSION:

|   |  |        |
|---|--|--------|
| (a) Employment and Social Opportunities Program ..... |  | 12,000 |
|---|--|--------|

## SOURCE OF FUNDS:

|                              |               |  |
|------------------------------|---------------|--|
| (1) State General Fund ..... | <u>12,000</u> |  |
|------------------------------|---------------|--|

|  |        |        |
|--|--------|--------|
| Total Alabama Women's Commission ..... | 12,000 | 12,000 |
|--|--------|--------|

# IV. SPECIAL APPROPRIATIONS:

## A. OTHER FUNCTIONS OF GOVERNMENT FUNDED FROM THE GENERAL FUND:

### 1. ADVERTISING LANDS FOR TAX SALE:

|   |  |        |
|---|--|--------|
| (a) State Revenue Administration Program, Estimated ..... |  | 14,000 |
|---|--|--------|

## SOURCE OF FUNDS:

|                              |               |  |
|------------------------------|---------------|--|
| (1) State General Fund ..... | <u>14,000</u> |  |
|------------------------------|---------------|--|

|                                    |        |        |
|------------------------------------|--------|--------|
| Total Advertising Lands for Sale . | 14,000 | 14,000 |
|------------------------------------|--------|--------|

### 2. ALABAMA COASTAL AREA BOARD:

|   |  |        |
|---|--|--------|
| (a) Coastal Area Management Program ..... |  | 30,000 |
|---|--|--------|

## SOURCE OF FUNDS:

|                              |               |  |
|------------------------------|---------------|--|
| (1) State General Fund ..... | <u>30,000</u> |  |
|------------------------------|---------------|--|

|                                  |        |        |
|----------------------------------|--------|--------|
| Total Alabama Coastal Area Board | 30,000 | 30,000 |
|----------------------------------|--------|--------|

### 3. ARREST OF ABSCONDING FELONS:

|   |  |       |
|---|--|-------|
| (a) Criminal Investigation Program, Estimated ..... |  | 8,000 |
|---|--|-------|

## SOURCE OF FUNDS:

|                              |              |  |
|------------------------------|--------------|--|
| (1) State General Fund ..... | <u>8,000</u> |  |
|------------------------------|--------------|--|

|                                   |       |       |
|-----------------------------------|-------|-------|
| Total Arrest of Absconding Felons | 8,000 | 8,000 |
|-----------------------------------|-------|-------|

### 4. AUTOMATIC APPEAL EX- PENSE:

|   |  |       |
|---|--|-------|
| (a) Legal Advice and Legal Service Program, Estimated ..... |  | 3,000 |
|---|--|-------|

## SOURCE OF FUNDS:

|                                    |  |  |
|------------------------------------|--|--|
| (1) State General Fund as provided |  |  |
|------------------------------------|--|--|

|   |         |         |
|---|---------|---------|
| in 1943 Acts of Legislature, page 217 .....   | 3,000   |         |
| Total Automatic Appeal Expense .  | 3,000   | 3,000   |
| 5. CIVIL COURT COSTS IN CONNECTION WITH AD VALOREM TAX ASSESSMENTS APPEALS:         |         |         |
| (a) State Revenue Administration Program, Estimated .....                           |         | 200     |
| SOURCE OF FUNDS:  |         |         |
| (1) State General Fund .....  | 200     |         |
| Total Civil Court Costs in Connection with Ad Valorem Tax Assessments Appeals ..... | 200     | 200     |
| 6. CONSUMER UTILITY RATE HEARING:   |         |         |
| (a) Executive Direction Program .   |         | 250,000 |
| SOURCE OF FUNDS:  |         |         |
| (1) State General Fund as provided in Act No. 44, First Special Session, 1977 ..... | 250,000 |         |
| Total Consumer Utility Rate Hearing .....   | 250,000 | 250,000 |
| 7. COUNCIL OF STATE GOVERNMENTS:  |         |         |
| (a) Legislative Operations and Support Program .....                                |         | 38,610  |
| SOURCE OF FUNDS:  |         |         |
| (1) State General Fund .....  | 38,610  |         |
| Total Council of State Governments .....  | 38,610  | 38,610  |
| 8. COURT COSTS—ACT NO. 558, 1957:   |         |         |
| (a) Court Operations Program, Estimated .....                                       |         | 240,000 |
| SOURCE OF FUNDS:  |         |         |
| (1) State General Fund pursuant to Act No. 558, 1957, page 777 .                    | 240,000 |         |
| Total Court Costs—Act No. 558, 1957 .....   | 240,000 | 240,000 |
| 9. COURTS COSTS NOT OTHERWISE PROVIDED FOR:   |         |         |
| (a) Legal Advice and Legal Service Program, Estimated .....                         |         | 250,000 |

## SOURCE OF FUNDS:

|   |                |         |
|---|----------------|---------|
| (1) State General Fund .....                          | <u>250,000</u> |         |
| Total Court Costs Not Otherwise<br>Provided For ..... | 250,000        | 250,000 |

## 10. DISTRIBUTION OF PUBLIC DOCUMENTS:

|  |  |        |
|--|--|--------|
| (a) Administrative Support Ser-<br>vice Program, Estimated ..... |  | 30,000 |
|--|--|--------|

## SOURCE OF FUNDS:

|   |               |        |
|---|---------------|--------|
| (1) State General Fund .....                      | <u>30,000</u> |        |
| Total Distribution of Public Docu-<br>ments ..... | 30,000        | 30,000 |

## 11. ECONOMIC AND COMMUNITY DEVELOPMENT:.....

500,000

## SOURCE OF FUNDS:

|   |                |         |
|---|----------------|---------|
| (1) Federal Revenue Sharing ....                  | <u>500,000</u> |         |
| Total Economic and Community<br>Development ..... | 500,000        | 500,000 |

## 12. ELECTION EXPENSES:

|  |  |         |
|--|--|---------|
| (a) Special Services Program, Es-<br>timated ..... |  | 900,000 |
|--|--|---------|

## SOURCE OF FUNDS:

|                               |                |         |
|-------------------------------|----------------|---------|
| (1) State General Fund .....  | <u>900,000</u> |         |
| Total Election Expenses ..... | 900,000        | 900,000 |

## 13. DEPARTMENTAL EMERGENCY FUND:

|                                   |  |         |
|-----------------------------------|--|---------|
| (a) Special Services Program .... |  | 350,000 |
|-----------------------------------|--|---------|

## SOURCE OF FUNDS:

|   |                |         |
|---|----------------|---------|
| (1) State General Fund (This is the<br>appropriation contemplated in<br>Title 41, Chapter 4, Section 94,<br>Code of Alabama 1975, and shall<br>be the only amount appropriated<br>and the total amount expended<br>under the provisions of said sec-<br>tion) ..... | <u>350,000</u> |         |
| Total Departmental Emergency<br>Fund .....  | 350,000        | 350,000 |

## 14. FAIR TRIAL TAX TRANSFER:

|                                  |  |         |
|----------------------------------|--|---------|
| (a) Court Operations Program ... |  | 100,000 |
|----------------------------------|--|---------|

## SOURCE OF FUNDS:

|                              |                |  |
|------------------------------|----------------|--|
| (1) State General Fund ..... | <u>100,000</u> |  |
|------------------------------|----------------|--|



|  |           |           |
|--|-----------|-----------|
| Total Fair Trial Tax Transfer . . . .  | 100,000   | 100,000   |
| 15. FEEDING OF PRISONERS:  |           |           |
| (a) Institutional Services Corrections Program, Est. . . . .                       |           | 3,000,000 |
| SOURCE OF FUNDS:   |           |           |
| (1) State General Fund for expenses of feeding prisoners in county jails . . . . . | 3,000,000 |           |
| Total Feeding of Prisoners . . . . .   | 3,000,000 | 3,000,000 |
| 16. NATIONAL GOVERNORS' CONFERENCE:  |           |           |
| (a) Executive Direction Program . . . . .  |           | 30,075    |
| SOURCE OF FUNDS:   |           |           |
| (1) State General Fund . . . . .   | 30,075    |           |
| Total National Governors' Conference . . . . .                                     | 30,075    | 30,075    |
| 17. GOVERNOR'S COUNCIL-LOR:  |           |           |
| (a) Executive Direction Program . . . . .  |           | 18,000    |
| SOURCE OF FUNDS:   |           |           |
| (1) State General Fund as provided in Act No. 596, Regular Session, 1977 . . . . . | 18,000    |           |
| Total Governor's Councillor . . . . .  | 18,000    | 18,000    |
| 18. GOVERNORS' WIDOWS RETIREMENT:  |           |           |
| (a) Executive Direction Program . . . . .  |           | 14,400    |
| SOURCE OF FUNDS:   |           |           |
| (1) State General Fund . . . . .   | 14,400    |           |
| Total Governors' Widows Retirement . . . . .                                       | 14,400    | 14,400    |
| 19. STATE EMPLOYEES INSURANCE:   |           |           |
| (a) Administrative Support Service Program, Estimated . . . . .                    |           | 1,000,000 |
| SOURCE OF FUNDS:   |           |           |
| (1) State General Fund . . . . .   | 1,000,000 |           |
| Total State Employees Insurance . . . . .  | 1,000,000 | 1,000,000 |
| 20. INTERPRETER'S AC-COUNT:  |           |           |
| (a) Court Support Services Program, Estimated . . . . .                            |           | 100       |

## SOURCE OF FUNDS:

|   |     |     |
|---|-----|-----|
| (1) State General Fund to carry out provisions of Act No. 799, 1965 Regular Session ..... | 100 |     |
| Total Interpreter's Account .....   | 100 | 100 |

21. LAW ENFORCEMENT  
LEGAL DEFENSE:

|  |  |       |
|--|--|-------|
| (a) Legal Advice and Legal Service Program ..... |  | 2,000 |
|--|--|-------|

## SOURCE OF FUNDS:

|   |       |       |
|---|-------|-------|
| (1) State General Fund to carry out provisions of Act No. 259, 1957 Regular Session ..... | 2,000 |       |
| Total Law Enforcement Legal Defense .....   | 2,000 | 2,000 |

## 22. MAILING TAX NOTICES:

|   |  |       |
|---|--|-------|
| (a) State Revenue Administration Program, Estimated ..... |  | 7,500 |
|---|--|-------|

## SOURCE OF FUNDS:

|                                 |       |       |
|---------------------------------|-------|-------|
| (1) State General Fund .....    | 7,500 |       |
| Total Mailing Tax Notices ..... | 7,500 | 7,500 |

23. MATCHING FEDERAL  
FUNDS NOT OTHERWISE  
PROVIDED FOR:

|                                  |  |         |
|----------------------------------|--|---------|
| (a) Court Operations Program ... |  | 100,000 |
|----------------------------------|--|---------|

## SOURCE OF FUNDS:

|   |         |         |
|---|---------|---------|
| (1) State General Fund .....                                  | 100,000 |         |
| Total Matching Federal Funds Not Otherwise Provided For ..... | 100,000 | 100,000 |

24. ALABAMA SPECIAL MEN-  
TAL HEALTH FUND: .....

23,750,000

## SOURCE OF FUNDS:

|  |            |            |
|--|------------|------------|
| (1) State General Fund Transfer .              | 23,750,000 |            |
| Total Alabama Special Mental Health Fund ..... | 23,750,000 | 23,750,000 |

25. PAYMENT OF ATTORNEYS'  
FEES IN INDIGENT CAPITAL  
CASES:

|   |  |        |
|---|--|--------|
| (a) Court Operations Program, Estimated ..... |  | 25,000 |
|---|--|--------|

## SOURCE OF FUNDS:

|                                    |  |  |
|------------------------------------|--|--|
| (1) State General Fund as provided |  |  |
|------------------------------------|--|--|

|  |         |         |
|--|---------|---------|
| in Act No. 176, 1947 Acts, page<br>61 .....  | 25,000  |         |
| Total Payment of Attorneys' Fees<br>in Indigent Capital Cases .....  | 25,000  | 25,000  |
| 26. PRINTING OF STATE AND<br>COUNTY PRIVILEGE LI-<br>CENSES:   |         |         |
| (a) State Revenue Administration<br>Program .....  |         | 10,000  |
| SOURCE OF FUNDS:   |         |         |
| (1) State General Fund .....   | 10,000  |         |
| Total Printing of State and County<br>Privilege Licenses .....   | 10,000  | 10,000  |
| 27. SPECIAL PROBATE JUD-<br>GES:   |         |         |
| (a) Institutional Treatment and<br>Care-Mental Illness Program ..  |         | 20,000  |
| SOURCE OF FUNDS:   |         |         |
| (1) State General Fund .....   | 20,000  |         |
| Total Special Probate Judges ....  | 20,000  | 20,000  |
| 28. PUBLIC DEFENDERS:  |         |         |
| (a) Court Operations Program ...   |         | 24,000  |
| SOURCE OF FUNDS:   |         |         |
| (1) State General Fund for salaries<br>of Public Defenders for the 21st<br>Judicial Circuit, as provided by<br>Act No. 1158, 1969 Regular Ses-<br>sion ..... | 24,000  |         |
| Total Public Defenders .....   | 24,000  | 24,000  |
| 29. REGISTRATION OF VOT-<br>ERS:   |         |         |
| (a) Special Services Program, Es-<br>timated .....   |         | 350,000 |
| SOURCE OF FUNDS:   |         |         |
| (1) State General Fund .....   | 350,000 |         |
| Total Registration of Voters .....   | 350,000 | 350,000 |
| 30. REMOVAL OF PRISONERS:  |         |         |
| (a) Special Police Services Pro-<br>gram, Estimated .....  |         | 75,000  |
| SOURCE OF FUNDS:   |         |         |
| (1) State General Fund .....   | 75,000  |         |
| Total Removal of Prisoners .....   | 75,000  | 75,000  |

### 31. STATE'S SHARE OF SOCIAL SECURITY:

|   |  |           |
|---|--|-----------|
| (a) Administrative Support Service Program, Estimated ..... |  | 2,000,000 |
|---|--|-----------|

#### SOURCE OF FUNDS:

|                              |                  |  |
|------------------------------|------------------|--|
| (1) State General Fund ..... | <u>2,000,000</u> |  |
|------------------------------|------------------|--|

|  |           |           |
|--|-----------|-----------|
| Total State's Share of Social Security ..... | 2,000,000 | 2,000,000 |
|--|-----------|-----------|

### 32. STATE TREASURER—PREVIOUS YEAR'S UNPAID WARRANTS:

|   |  |        |
|---|--|--------|
| (a) Special Services Program, Estimated ..... |  | 50,000 |
|---|--|--------|

#### SOURCE OF FUNDS:

|                              |               |  |
|------------------------------|---------------|--|
| (1) State General Fund ..... | <u>50,000</u> |  |
|------------------------------|---------------|--|

|   |        |        |
|---|--------|--------|
| Total State Treasurer—Previous years' Unpaid Warrants ..... | 50,000 | 50,000 |
|---|--------|--------|

### 33. UTILITY AUDIT COMMITTEE:

|                                   |  |         |
|-----------------------------------|--|---------|
| (a) Executive Direction Program . |  | 100,000 |
|-----------------------------------|--|---------|

#### SOURCE OF FUNDS:

|                              |                |  |
|------------------------------|----------------|--|
| (1) State General Fund ..... | <u>100,000</u> |  |
|------------------------------|----------------|--|

|                                   |         |         |
|-----------------------------------|---------|---------|
| Total Utility Audit Committee ... | 100,000 | 100,000 |
|-----------------------------------|---------|---------|

### 34. FOR PRINTING OF LEGISLATIVE ACTS AND JOURNALS, ESTIMATED:

|  |  |         |
|--|--|---------|
| (a) Administrative Support Services Program, Estimated ..... |  | 100,000 |
|--|--|---------|

#### SOURCE OF FUNDS:

|                              |                |  |
|------------------------------|----------------|--|
| (1) State General Fund ..... | <u>100,000</u> |  |
|------------------------------|----------------|--|

|   |         |         |
|---|---------|---------|
| TOTAL PRINTING OF LEGISLATIVE ACTS AND JOURNALS . | 100,000 | 100,000 |
|---|---------|---------|

### V. FINANCIAL ASSISTANCE TO NON-STATE AGENCIES:

#### A. NON-STATE AGENCIES FUNDED FROM THE GENERAL FUND:

##### 1. AMOS ALONZO STAGG BOWL:

|  |  |       |
|--|--|-------|
| (a) Tourism and Travel Promotion Program ..... |  | 4,500 |
|--|--|-------|

#### SOURCE OF FUNDS:

|                              |              |  |
|------------------------------|--------------|--|
| (1) State General Fund ..... | <u>4,500</u> |  |
|------------------------------|--------------|--|

|                                  |       |       |
|----------------------------------|-------|-------|
| Total Amos Alonzo Stagg Bowl ... | 4,500 | 4,500 |
|----------------------------------|-------|-------|

## 2. APPALACHIAN REGIONAL COMMISSION:

(a) Planning Program ..... 135,000

### SOURCE OF FUNDS:

(1) State General Fund ..... 135,000

Total Appalachian Regional Commission ..... 135,000

## 3. ARMED FORCES DAY COMMITTEE:

(a) Historical Resources Management Program ..... 1,350

### SOURCE OF FUNDS:

(1) State General Fund ..... 1,350

Total Armed Forces Day Committee ..... 1,350

## 4. AZALEA TRAIL FESTIVAL:

(a) Tourism and Travel Promotion Program ..... 2,500

### SOURCE OF FUNDS:

(1) State General Fund ..... 2,500

Total Azalea Trail Festival ..... 2,500

## 5. BIG NANCE CREEK WATER MANAGEMENT DISTRICT:

(a) Water Resource Development Program ..... 2,250

### SOURCE OF FUNDS:

(1) State General Fund ..... 2,250

Total Big Nance Creek Water Management District ..... 2,250

## 6. BIRMINGHAM FESTIVAL OF FINE ARTS:

(a) Fine Arts Program ..... 25,000

### SOURCE OF FUNDS:

(1) State General Fund ..... 25,000

Total Birmingham Festival of Fine Arts ..... 25,000

## 7. BLUE AND GRAY ASSOCIATION, INC.:

(a) Tourism and Travel Promotion Program ..... 9,000

### SOURCE OF FUNDS:

(1) State General Fund ..... 9,000

|   |        |        |
|---|--------|--------|
| Total Blue and Gray Association,<br>Inc. ....                       | 9,000  | 9,000  |
| 8. CHILTON COUNTY PEACH<br>FESTIVAL:                                |        |        |
| (a) Tourism and Travel Promotion<br>Program .....                   |        | 7,500  |
| SOURCE OF FUNDS:  |        |        |
| (1) State General Fund .....  | 7,500  |        |
| Total Chilton County Peach Festi-<br>val .....                      | 7,500  | 7,500  |
| 9. CHOCCOLOCCO CREEK<br>WATERSHED ASSOCIATION:                      |        |        |
| (a) Water Resource Development<br>Program .....                     |        | 3,600  |
| SOURCE OF FUNDS:  |        |        |
| (1) State General Fund .....  | 3,600  |        |
| Total Choccolocco Creek<br>Watershed Association .....              | 3,600  | 3,600  |
| 10. SOUTHEAST CHOCTA-<br>WHATCHEE RIVER WATER-<br>SHED ASSOCIATION: |        |        |
| (a) Water Resource Development<br>Program .....                     |        | 2,250  |
| SOURCE OF FUNDS:  |        |        |
| (1) State General Fund .....  | 2,250  |        |
| Total Southeast Choctawhatchee<br>River Watershed Assoc. ....       | 2,250  | 2,250  |
| 11. CIVIL AIR PATROL:   |        |        |
| (a) Readiness and Recovery Pro-<br>gram .....                       |        | 35,000 |
| SOURCE OF FUNDS:  |        |        |
| (1) State General Fund .....  | 35,000 |        |
| Total Civil Air Patrol .....  | 35,000 | 35,000 |
| 12. ALABAMA CONGRES-<br>SIONAL MEDAL OF HONOR<br>GROVE:             |        |        |
| (a) Historical Resources Manage-<br>ment Program .....              |        | 8,000  |
| SOURCE OF FUNDS:  |        |        |
| (1) State General Fund .....  | 8,000  |        |
| Total Alabama Congressional<br>Medal of Honor Grove .....           | 8,000  | 8,000  |

**13. CROOKED CREEK WATER-  
SHED CONSERVANCY DIS-  
TRICT:**

(a) Water Resource Development  
Program ..... 2,250

**SOURCE OF FUNDS:**

(1) State General Fund ..... 2,250

Total Crooked Creek Watershed  
Conservancy District ..... 2,250 2,250

**14. DEEP-SEA FISHING RO-  
DEO:**

(a) Tourism and Travel Promotion  
Program ..... 1,500

**SOURCE OF FUNDS:**

(1) State General Fund ..... 1,500

Total Deep-Sea Fishing Rodeo ... 1,500 1,500

**15. ELK RIVER DEVELOP-  
MENT AGENCY:**

(a) Water Resource Development  
Program ..... 7,500

**SOURCE OF FUNDS:**

(1) State General Fund ..... 7,500

Total Elk River Development  
Agency ..... 7,500 7,500

**16. ALABAMA FOREIGN  
TRADE RELATIONS COM-  
MITTEE:**

(a) Special Services Program .... 40,000

**SOURCE OF FUNDS:**

(1) State General Fund ..... 40,000

Total Alabama Foreign Trade Re-  
lations Committee ..... 40,000 40,000

**17. GULF SHORES TOURIST  
ASSOCIATION:**

(a) Tourism and Travel Promotion  
Program ..... 13,500

**SOURCE OF FUNDS:**

(1) State General Fund ..... 13,500

Total Gulf Shores Tourist Associa-  
tion ..... 13,500 13,500

# 18. GUNTERSVILLE BOAT RACES:

|  |  |       |
|--|--|-------|
| (a) Tourism and Travel Promotion Program ..... |  | 8,550 |
|--|--|-------|

## SOURCE OF FUNDS:

|                              |              |  |
|------------------------------|--------------|--|
| (1) State General Fund ..... | <u>8,550</u> |  |
|------------------------------|--------------|--|

|                                   |       |       |
|-----------------------------------|-------|-------|
| Total Guntersville Boat Races ... | 8,550 | 8,550 |
|-----------------------------------|-------|-------|

# 19. HELEN KELLER PROPERTY BOARD:

|   |  |       |
|---|--|-------|
| (a) Historical Resources Management Program ..... |  | 5,000 |
|---|--|-------|

## SOURCE OF FUNDS:

|                              |              |  |
|------------------------------|--------------|--|
| (1) State General Fund ..... | <u>5,000</u> |  |
|------------------------------|--------------|--|

|                                   |       |       |
|-----------------------------------|-------|-------|
| Total Helen Keller Property Board | 5,000 | 5,000 |
|-----------------------------------|-------|-------|

# 20. INTERSTATE MINING COMMISSION:

|                            |  |       |
|----------------------------|--|-------|
| (a) Planning Program ..... |  | 7,900 |
|----------------------------|--|-------|

## SOURCE OF FUNDS:

|                              |              |  |
|------------------------------|--------------|--|
| (1) State General Fund ..... | <u>7,900</u> |  |
|------------------------------|--------------|--|

|  |       |       |
|--|-------|-------|
| Total Interstate Mining Commission ..... | 7,900 | 7,900 |
|--|-------|-------|

# 21. KETCHEPEDRAKEE CREEK WATERSHED CONSERVANCY DISTRICT:

|  |  |       |
|--|--|-------|
| (a) Water Resource Development Program ..... |  | 2,250 |
|--|--|-------|

## SOURCE OF FUNDS:

|                              |              |  |
|------------------------------|--------------|--|
| (1) State General Fund ..... | <u>2,250</u> |  |
|------------------------------|--------------|--|

|   |       |       |
|---|-------|-------|
| Total Ketchepedrakee Creek Watershed Conservancy District | 2,250 | 2,250 |
|---|-------|-------|

# 22. LAKE EUFAULA SUMMER SPECTACULAR:

|  |  |       |
|--|--|-------|
| (a) Tourism and Travel Promotion Program ..... |  | 9,000 |
|--|--|-------|

## SOURCE OF FUNDS:

|                              |              |  |
|------------------------------|--------------|--|
| (1) State General Fund ..... | <u>9,000</u> |  |
|------------------------------|--------------|--|

|   |       |       |
|---|-------|-------|
| Total Lake Eufaula Summer Spectacular ..... | 9,000 | 9,000 |
|---|-------|-------|

# 23. MOBILE CARNIVAL ASSOCIATION:

|  |  |       |
|--|--|-------|
| (a) Tourism and Travel Promotion Program ..... |  | 4,500 |
|--|--|-------|



## SOURCE OF FUNDS:

|                                   |              |       |
|-----------------------------------|--------------|-------|
| (1) State General Fund .....      | <u>4,500</u> |       |
| Total Mobile Carnival Association | 4,500        | 4,500 |

## 24. MOUNTAIN LAKES ASSOCIATION:

|  |  |        |
|--|--|--------|
| (a) Tourism and Travel Promotion Program ..... |  | 40,000 |
|--|--|--------|

## SOURCE OF FUNDS:

|                                 |               |        |
|---------------------------------|---------------|--------|
| (1) State General Fund .....    | <u>40,000</u> |        |
| Total Mountain Lake Association | 40,000        | 40,000 |

## 25. SOUTHERN INTERSTATE NUCLEAR BOARD:

|  |  |        |
|--|--|--------|
| (a) Discovery and Development of Mineral, Energy, and Water Resources, Geologic Research and Topographic Mapping Program . |  | 11,057 |
|--|--|--------|

## SOURCE OF FUNDS:

|   |               |        |
|---|---------------|--------|
| (1) State General Fund .....                  | <u>11,057</u> |        |
| Total Southern Interstate Nuclear Board ..... | 11,057        | 11,057 |

## 26. NATIONAL PEANUT FESTIVAL ASSOCIATION, INC.:

|  |  |        |
|--|--|--------|
| (a) Tourism and Travel Promotion Program ..... |  | 12,000 |
|--|--|--------|

## SOURCE OF FUNDS:

|   |               |        |
|---|---------------|--------|
| (1) State General Fund .....                          | <u>12,000</u> |        |
| Total National Peanut Festival Association, Inc. .... | 12,000        | 12,000 |

## 27. MONTGOMERY RIVERBOAT ASSOCIATION:

|  |  |        |
|--|--|--------|
| (a) Tourism and Travel Promotion Program ..... |  | 22,500 |
|--|--|--------|

## SOURCE OF FUNDS:

|  |               |        |
|--|---------------|--------|
| (1) State General Fund .....                 | <u>22,500</u> |        |
| Total Montgomery Riverboat Association ..... | 22,500        | 22,500 |

## 28. PEA RIVER HISTORICAL AND GENEALOGY SOCIETY:

|  |  |       |
|--|--|-------|
| (a) Tourism and Travel Promotion Program ..... |  | 5,000 |
|--|--|-------|

## SOURCE OF FUNDS:

|                              |              |  |
|------------------------------|--------------|--|
| (1) State General Fund ..... | <u>5,000</u> |  |
|------------------------------|--------------|--|

|  |               |        |
|--|---------------|--------|
| Total Pea River Historical and Genealogy Society ..... | 5,000         | 5,000  |
| 29. PEA RIVER WATERSHED CONSERVANCY DISTRICT:          |               |        |
| (a) Water Resource Development Program .....           |               | 2,250  |
| SOURCE OF FUNDS:                                       |               |        |
| (1) State General Fund .....                           | <u>2,250</u>  |        |
| Total Pea River Watershed Conservancy District .....   | 2,250         | 2,250  |
| 30. PIMENTO FESTIVAL:                                  |               |        |
| (a) Tourism and Travel Promotion Program .....         |               | 1,000  |
| SOURCE OF FUNDS:                                       |               |        |
| (1) State General Fund .....                           | <u>1,000</u>  |        |
| Total Pimento Festival .....                           | 1,000         | 1,000  |
| 31. ALABAMA SHAKESPEARE FESTIVAL:                      |               |        |
| (a) Fine Arts Program .....                            |               | 7,500  |
| SOURCE OF FUNDS:                                       |               |        |
| (1) State General Fund .....                           | <u>7,500</u>  |        |
| Total Alabama Shakespeare Festival .....               | 7,500         | 7,500  |
| 32. SOUTHERN CHAMPIONSHIP HORSESHOW:                   |               |        |
| (a) Tourism and Travel Promotion Program .....         |               | 5,000  |
| SOURCE OF FUNDS:                                       |               |        |
| (1) State General Fund .....                           | <u>5,000</u>  |        |
| Total Southern Championship Horseshow .....            | 5,000         | 5,000  |
| 33. SOUTHERN GROWTH POLICIES BOARD:                    |               |        |
| (a) Special Services Program ....                      |               | 21,000 |
| SOURCE OF FUNDS:                                       |               |        |
| (1) State General Fund .....                           | <u>21,000</u> |        |
| Total Southern Growth Policies Board .....             | 21,000        | 21,000 |
| 34. SPIRIT OF AMERICA FESTIVAL, INC.:                  |               |        |
| (a) Tourism and Travel Promotion Program .....         |               | 4,500  |

## SOURCE OF FUNDS:

|  |              |       |
|--|--------------|-------|
| (1) State General Fund .....                   | <u>4,500</u> |       |
| Total Spirit of America Festival,<br>Inc. .... | 4,500        | 4,500 |

35. ALABAMA STATE STEER  
SHOW ASSOCIATION:

|  |  |       |
|--|--|-------|
| (a) Agricultural Development<br>Services Program ..... |  | 9,000 |
|--|--|-------|

## SOURCE OF FUNDS:

|   |              |       |
|---|--------------|-------|
| (1) State General Fund .....                        | <u>9,000</u> |       |
| Total Alabama State Steer Show<br>Association ..... | 9,000        | 9,000 |

36. TALLACOOSA HIGHLAND  
LAKES ASSOCIATION:

|   |  |       |
|---|--|-------|
| (a) Tourism and Travel Promotion<br>Program ..... |  | 9,000 |
|---|--|-------|

## SOURCE OF FUNDS:

|  |              |       |
|--|--------------|-------|
| (1) State General Fund .....                         | <u>9,000</u> |       |
| Total Tallacoosa Highland Lakes<br>Association ..... | 9,000        | 9,000 |

37. TALLASSEEHATCHIE  
CREEK WATERSHED CON-  
SERVANCY DISTRICT:

|  |  |       |
|--|--|-------|
| (a) Water Resources Development<br>Program ..... |  | 2,250 |
|--|--|-------|

## SOURCE OF FUNDS:

|   |              |       |
|---|--------------|-------|
| (1) State General Fund .....                                    | <u>2,250</u> |       |
| Total Tallassee hatchie Creek<br>Watershed Conservancy District | 2,250        | 2,250 |

38. TENNESSEE RIVER VAL-  
LEY ASSOCIATION:

|  |  |        |
|--|--|--------|
| (a) Water Resources Development<br>Program ..... |  | 14,000 |
|--|--|--------|

## SOURCE OF FUNDS:

|   |               |        |
|---|---------------|--------|
| (1) State General Fund .....                        | <u>14,000</u> |        |
| Total Tennessee River Valley As-<br>sociation ..... | 14,000        | 14,000 |

39. TENNESSEE VALLEY PUB-  
LICITY AND IMPROVEMENT  
ASSOCIATION:

|  |        |        |
|--|--------|--------|
| (a) Tourism and Travel Promotion Program .....                   |        | 40,000 |
| SOURCE OF FUNDS:   |        |        |
| (1) State General Fund .....                                     | 40,000 |        |
| Total Tennessee Valley Publicity and Information Association ... | 40,000 | 40,000 |
| 40. TERRAPIN CREEK WATERSHED CONSERVANCY DISTRICT:               |        |        |
| (a) Water Resource Development Program .....                     |        | 2,250  |
| SOURCE OF FUNDS:   |        |        |
| (1) State General Fund .....                                     | 2,250  |        |
| Total Terrapin Creek Watershed Conservancy District .....        | 2,250  | 2,250  |
| 41. ALABAMA TRAVEL COUNCIL:                                      |        |        |
| (a) Tourism and Travel Promotion Program .....                   |        | 15,000 |
| SOURCE OF FUNDS:   |        |        |
| (1) State General Fund .....                                     | 15,000 |        |
| Total Alabama Travel Council ...                                 | 15,000 | 15,000 |
| 42. TRI-RIVERS WATERWAY DEVELOPMENT ASSOCIATION:                 |        |        |
| (a) Water Resource Development Program .....                     |        | 27,000 |
| SOURCE OF FUNDS:   |        |        |
| (1) State General Fund .....                                     | 27,000 |        |
| Total Tri-Rivers Waterway Development Association .....          | 27,000 | 27,000 |
| 43. VESTAVIA HILLS DOGWOOD FESTIVAL AND TRAIL:                   |        |        |
| (a) Tourism and Travel Promotion Program .....                   |        | 1,000  |
| SOURCE OF FUNDS:   |        |        |
| (1) State General Fund .....                                     | 1,000  |        |
| Total Vestavia Hills Dogwood Festival and Trail .....            | 1,000  | 1,000  |
| 44. NATIONAL VETERANS DAY COMMITTEE:                             |        |        |
| (a) Historical Resources Management Program .....                |        | 5,000  |

## SOURCE OF FUNDS:

|   |              |       |
|---|--------------|-------|
| (1) State General Fund .....                | <u>5,000</u> |       |
| Total National Veterans Day Committee ..... | 5,000        | 5,000 |

## 45. VETERANS DAY COMMITTEE:

|   |  |       |
|---|--|-------|
| (a) Historical Resources Management Program ..... |  | 2,000 |
|---|--|-------|

## SOURCE OF FUNDS:

|                                 |              |       |
|---------------------------------|--------------|-------|
| (1) State General Fund .....    | <u>2,000</u> |       |
| Total Veterans Day Committee .. | 2,000        | 2,000 |

## 46. ALABAMA WOMEN'S HALL OF FAME:

|   |  |       |
|---|--|-------|
| (a) Historical Resources Management Program ..... |  | 6,800 |
|---|--|-------|

## SOURCE OF FUNDS:

|  |              |       |
|--|--------------|-------|
| (1) State General Fund .....             | <u>6,800</u> |       |
| Total Alabama Women's Hall of Fame ..... | 6,800        | 6,800 |

## 47. Y.M.C.A. YOUTH LEGISLATURE:

|                                   |  |       |
|-----------------------------------|--|-------|
| (a) Special Services Program .... |  | 5,000 |
|-----------------------------------|--|-------|

## SOURCE OF FUNDS:

|                                  |              |       |
|----------------------------------|--------------|-------|
| (1) State General Fund .....     | <u>5,000</u> |       |
| Total Y.M.C.A. Youth Legislature | 5,000        | 5,000 |

## 48. AMERICA'S JUNIOR MISS PAGEANT, INC.

|  |  |        |
|--|--|--------|
| (a) Tourism and Travel Promotion Program ..... |  | 22,500 |
|--|--|--------|

## SOURCE OF FUNDS:

|  |               |        |
|--|---------------|--------|
| (1) State General Fund .....                   | <u>22,500</u> |        |
| Total America's Junior Miss Pageant, Inc. .... | 22,500        | 22,500 |

## 49. PIKE COUNTY PIONEER MUSEUM ASSOCIATION:

|  |  |       |
|--|--|-------|
| (a) Tourism and Travel Promotion Program ..... |  | 5,000 |
|--|--|-------|

## SOURCE OF FUNDS:

|  |              |       |
|--|--------------|-------|
| (1) State General Fund .....                       | <u>5,000</u> |       |
| Total Pike County Pioneer Museum Association ..... | 5,000        | 5,000 |

## 50. HANK WILLIAMS MEMORIAL ASSOCIATION: .....

|  |  |       |
|--|--|-------|
| (a) Tourism and Travel Promotion Program ..... |  | 5,000 |
|--|--|-------|

## SOURCE OF FUNDS:

|                              |              |  |
|------------------------------|--------------|--|
| (1) State General Fund ..... | <u>5,000</u> |  |
|------------------------------|--------------|--|

|  |       |       |
|--|-------|-------|
| Total Hank Williams Memorial Association ..... | 5,000 | 5,000 |
|--|-------|-------|

## 51. COOSA RIVER ACTION COUNCIL AT GADSDEN:

|   |  |        |
|---|--|--------|
| (a) Promotion of Coosa River as Inland Waterway ..... |  | 25,000 |
|---|--|--------|

## SOURCE OF FUNDS:

|                              |               |  |
|------------------------------|---------------|--|
| (1) State General Fund ..... | <u>25,000</u> |  |
|------------------------------|---------------|--|

|   |        |        |
|---|--------|--------|
| Total Coosa River Action Council, Inc. .... | 25,000 | 25,000 |
|---|--------|--------|

## 52. GENEVA COUNTY TOMATO FESTIVAL:

|  |  |       |
|--|--|-------|
| (a) Tourism and Travel Promotion Program ..... |  | 5,000 |
|--|--|-------|

## SOURCE OF FUNDS:

|                              |              |  |
|------------------------------|--------------|--|
| (1) State General Fund ..... | <u>5,000</u> |  |
|------------------------------|--------------|--|

|   |       |       |
|---|-------|-------|
| Total Geneva County Tomato Festival ..... | 5,000 | 5,000 |
|---|-------|-------|

## 53. FEDERATION OF SOUTHERN COOPERATIVES:

|   |  |        |
|---|--|--------|
| (a) For Miss Black Alabama Pageant Tourism and Travel Promotion ..... |  | 10,000 |
|---|--|--------|

## SOURCE OF FUNDS:

|                               |               |  |
|-------------------------------|---------------|--|
| (1) State General Fund: ..... | <u>10,000</u> |  |
|-------------------------------|---------------|--|

|   |        |        |
|---|--------|--------|
| Total Federation of Southern Cooperatives ..... | 10,000 | 10,000 |
|---|--------|--------|

## 54. ALABAMA FOREST FESTIVAL:

|  |  |       |
|--|--|-------|
| (a) Tourism and Travel Promotion Program ..... |  | 5,000 |
|--|--|-------|

## SOURCE OF FUNDS:

|                              |              |  |
|------------------------------|--------------|--|
| (1) State General Fund ..... | <u>5,000</u> |  |
|------------------------------|--------------|--|

|                                   |       |       |
|-----------------------------------|-------|-------|
| Total Alabama Forest Festival ... | 5,000 | 5,000 |
|-----------------------------------|-------|-------|

## 55. ALABAMA HISTORICAL COMMISSION—FORT TOULOUSE:

|                                  |  |        |
|----------------------------------|--|--------|
| (a) Historical Restoration ..... |  | 22,500 |
|----------------------------------|--|--------|

## SOURCE OF FUNDS:

|  |               |  |
|--|---------------|--|
| (1) State General Fund (Conditional) ..... | <u>22,500</u> |  |
|--|---------------|--|

|   |        |        |
|---|--------|--------|
| Total Alabama Historical Commission Fort Toulouse (Conditional) | 22,500 | 22,500 |
|---|--------|--------|

(The above appropriation is conditional upon the condition of the State General Fund and approval of the Governor.)

## I. DEBT SERVICE:

## A. DEBT SERVICE FUNDED FROM THE GENERAL FUND:

|  |  |           |
|--|--|-----------|
| 1. General Obligation Capital Improvement Bonds, Series A and B, Estimated ..... |  | 1,160,035 |
|--|--|-----------|

## SOURCE OF FUNDS:

|   |                  |  |
|---|------------------|--|
| (1) State General Fund, Series A and B, Estimated ..... | <u>1,160,035</u> |  |
|---|------------------|--|

|   |           |           |
|---|-----------|-----------|
| Total General Obligation Capital Improvement Bonds, Series A and B, Estimated ..... | 1,160,035 | 1,160,035 |
|---|-----------|-----------|

|   |  |         |
|---|--|---------|
| 2. General Obligation Coosa Waterway Bonds, Series A, Estimated ..... |  | 650,448 |
|---|--|---------|

## SOURCE OF FUNDS:

|                              |                |  |
|------------------------------|----------------|--|
| (1) State General Fund ..... | <u>650,448</u> |  |
|------------------------------|----------------|--|

|  |         |         |
|--|---------|---------|
| Total General Obligation Coosa Waterway Bonds, Series A, Estimated ..... | 650,448 | 650,448 |
|--|---------|---------|

|   |  |           |
|---|--|-----------|
| 3. General Obligation Docks Facilities Bonds, Series A and B, Estimated ..... |  | 2,850,400 |
|---|--|-----------|

## SOURCE OF FUNDS:

|                              |                  |  |
|------------------------------|------------------|--|
| (1) State General Fund ..... | <u>2,850,400</u> |  |
|------------------------------|------------------|--|

|  |           |           |
|--|-----------|-----------|
| Total General Obligation Docks Facilities Bonds, Series A and B, Estimated ..... | 2,850,400 | 2,850,400 |
|--|-----------|-----------|

|  |  |         |
|--|--|---------|
| 4. Inland Waterways Facilities Bonds, Series 1970 A, Estimated ..... |  | 645,900 |
|--|--|---------|

## SOURCE OF FUNDS:

|                              |                |  |
|------------------------------|----------------|--|
| (1) State General Fund ..... | <u>645,900</u> |  |
|------------------------------|----------------|--|

|   |         |         |
|---|---------|---------|
| Total Inland Waterways Facilities Bonds, Series 1970 A, Estimated | 645,900 | 645,900 |
|---|---------|---------|

|   |  |         |
|---|--|---------|
| 5. General Obligation Inland Waterways Facilities Bonds, Series 1970 B, Estimated ..... |  | 664,650 |
|---|--|---------|

## SOURCE OF FUNDS:

|                              |         |  |
|------------------------------|---------|--|
| (1) State General Fund ..... | 664,650 |  |
|------------------------------|---------|--|

|  |         |         |
|--|---------|---------|
| Total General Obligation Inland Waterways Facilities Bonds, Series 1970 B, Estimated ..... | 664,650 | 664,650 |
|--|---------|---------|

|   |  |         |
|---|--|---------|
| 6. Inland Waterway Improvement Bonds, Series A through D, Estimated ..... |  | 687,413 |
|---|--|---------|

## SOURCE OF FUNDS:

|                              |         |  |
|------------------------------|---------|--|
| (1) State General Fund ..... | 687,413 |  |
|------------------------------|---------|--|

|  |         |         |
|--|---------|---------|
| Total Inland Waterway Improvement Bonds, Series A through D, Estimated ..... | 687,413 | 687,413 |
|--|---------|---------|

|   |  |         |
|---|--|---------|
| 7. State Parks Development Authority Bonds, Estimated ..... |  | 350,000 |
|---|--|---------|

## SOURCE OF FUNDS:

|   |         |  |
|---|---------|--|
| (1) State General Fund, Estimated—pursuant to Constitutional Amendment as provided in Act No. 272, 1967 Regular Session ..... | 350,000 |  |
|---|---------|--|

|  |         |         |
|--|---------|---------|
| Total State Parks Development Authority Bonds, Estimated ... | 350,000 | 350,000 |
|--|---------|---------|

|  |  |         |
|--|--|---------|
| 8. Tennessee-Tombigbee Waterway Bonds, Series A and B, Estimated ..... |  | 854,648 |
|--|--|---------|

## SOURCE OF FUNDS:

|   |         |  |
|---|---------|--|
| (1) State General Fund, Estimated—pursuant to Constitutional Amendment No. CCLXX as provided in Act No. 248, 1967 Regular Session ..... | 854,648 |  |
|---|---------|--|

|   |         |         |
|---|---------|---------|
| Total Tennessee-Tombigbee Waterway Bonds, Series A and B, Estimated ..... | 854,648 | 854,648 |
|---|---------|---------|

Section 3. That, except as may be herein otherwise provided, that amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Section 4 of this bill, as provided in the Budget Management Act of 1976, Act No. 494, 1976 Regular Session, and



those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Title 40, Chapter 8, Section 80-96, Code of Alabama 1975 and the Budget Management Act of 1976 (Act No. 494).

Section 4. In addition to appropriations herein made, all gifts, grants, contributions, appropriations, entitlements or any other funds, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made.

Section 5. From the amounts received by the State of Alabama during the period October 1, 1978, through September 30, 1979, as grants or entitlements under the State and Local Fiscal Assistance Act of 1972, Public Law 92-512, 92nd Congress, and any interest earned by the State thereon there is hereby appropriated the following:

|   |            |
|---|------------|
| A. To Department of Mental Health to be used for operations and maintenance .....   | 16,750,000 |
| B. To Highway Department for operations and maintenance .....                       | 11,000,000 |
| C. To Board of Corrections for operations and maintenance of the penal system ..... | 7,000,000  |
| D. For Economic and Community Development .....                                     | 500,000    |
| E. To the State General Fund .....  | 4,250,000  |
| Total .....   | 39,500,000 |

The amounts appropriated in this section are to be in lieu of any revenue sharing funds appropriated in Section 2 to the above mentioned departments. The revenue sharing funds in Section 2 should not be construed to be an additional appropriation.

Section 6. No funds appropriated herein may be expended for rent, leases, contracts, or purchases of data processing equipment or services or for rent for any office space on any contract, lease, purchase, or agreement made prior to September 30, 1978 for such items, unless approved or reapproved on or after October 1, 1978 by the Director of Finance.

Section 7. No funds appropriated by this Act shall be used to employ attorneys by any department, board, bureau, commission or agency of State Government who are not subject to the State Merit System Law unless such appointment shall be approved by the Governor.

Section 8. All State departments, commissions, bureaus, and agency directors or chief administrative officers except the Governor and the Director of Finance shall file with the Governor written quarterly reports which outline fund allocations and expenditures of their respective departments, commissions, bureaus, and agencies. These reports shall be made by the 15th day of the month following the completion of each quarter in the fiscal year. The Governor shall then transmit copies of such reports to the Chairmen of the Finance and Taxation Committee and the Ways and Means Committee.

Any other agency or government or other group or entity not a part of State Government that receives state appropriations under this section shall file the reports required of State agencies under this section. The reports required by this section shall be in addition to any reports, written or otherwise, now required of any department in State Government.

Section 9. No funds appropriated under this Act shall be used to pay the following law enforcement benefits heretofore established by Acts of the Legislature:

- (1) Subsistence payments (Act No. 763, Regular Session, 1973),
- (2) Longevity pay (Act No. 206, Third Special Session, 1975),
- (3) Overtime pay (Act No. 127, Fourth Special Session, 1975),

to any state employees, other than to state employees regularly assigned to law enforcement duties. In no event, shall funds appropriated hereunder be used to pay any of the above mentioned benefits to Cabinet Members, Department or Agency heads, Assistant Department or Agency heads. Nothing contained in this section shall prohibit the payment of subsistence, longevity, or overtime pay to state employees who are classified under the State Merit System Law as state law enforcement officers in any state department or agency.

Section 10. Of the appropriation herein contained there is appropriated an amount to provide hospital-medical insurance assistance, excluding dental and life assistance.

Section 11. That, if any section, paragraph, sentence, clause, provision, or portion of the Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 12. That all laws and parts of laws, general, special, private, or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 13. That each Department of State funded through the provisions of this budget shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

Section 14. That this Act shall become effective October 1, 1978.

Mr. Stewart offered the following amendment to the substitute for the Bill, H. B. 244, to-wit:

#### AMENDMENT TO SUBSTITUTE FOR HOUSE BILL 244

Amend the Substitute for House Bill 244 on page 43 relating to PENSIONS AND SECURITY, as follows:

Changing the figures on line 21 from "107,541,035" to 115,396,297

Changing the figures on line 22 from "76,050,347" to 76,473,529

Changing the figures on line 23 from "11,884,857" to 13,931,142

Changing the figures on line 25 from "4,601,677" to 5,276,948

Further amend the Substitute for House Bill 244 on page 44 by: Changing the figures on line 9 from "200,077,916", "\$200,077,916" to

| General Fund | Trust Funds | Appropriation Total |
|--------------|-------------|---------------------|
| 11,000,000   | 200,077,916 | 211,077,916         |

Further amend the Substitute for House Bill 244 on page 44 by inserting the following words and figures after line 8, and renumbering the subsequent lines accordingly:

(12) State General Fund . . . . 11,000,000

On motion of Mr. Owen, said amendment was laid on the table.

Yeas 15; Nays 14.

*Yeas:*

Messrs. Adams, Clemon, Edwards, Fine, Gilmore, Higginbotham, McDonald (A), Owen, Peden, Powell, Proctor, St. John, Shelby, Waldrop, Wilson.

—15

*Nays:*

Messrs. Baker, Bank, Foshee, Goodwin, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Perry, Stewart.

—14

Mr. Stewart then offered the following amendment to the substitute for the Bill, H. B. 244, to-wit:

#### AMENDMENT TO SUBSTITUTE FOR HOUSE BILL 244

Amend the Substitute for House Bill 244 on page 43 relating to PENSIONS AND SECURITY, as follows:

Changing the figures on line 21 from "107,541,035" to 108,849,597

Changing the figures on line 22 from "76,050,347" to 76,111,229

Changing the figures on line 23 from "11,884,857" to 12,865,142

Further amend the Substitute for House Bill 244 on page 44 by:

Changing the figures on line 9 from "200,077,916", "\$200,077,916" to

| General Fund | Trust Funds | Appropriation Total |
|--------------|-------------|---------------------|
| 2,349,729    | 200,077,916 | 202,427,645         |

Further amend the Substitute for House Bill 244 on page 44 by inserting the following words and figures after line 8, and remembering the subsequent lines accordingly:

(12) State General Fund . . . . 2,349,729

On motion of Mr. Owen, said amendment was laid on the table.

Mr. Teague offered the following amendment to the substitute for the Bill, H. B. 244, to-wit:

AMENDMENT TO SUBSTITUTE FOR H. B. 244

Amend Substitute for H. B. 244 by deleting on page 35 Lines 20, 21 & 22 the following words:

"Of the above appropriation \$15,000 shall be used for Live in a Land-mark."

Which was adopted.

Mr. Peden offered the following amendment to the substitute, as amended, for the Bill, H. B. 244, to-wit:

AMENDMENT TO SUBSTITUTE  
AS AMENDED  
FOR H. B. 244

Amend Substitute, as amended, for House Bill No. 244 Page 35 Line 22, by inserting at the end of Section I.A.46 the following: "Of the above appropriation \$5,000 shall be used for the Oral History Program."

Which was adopted.

Mr. Pearson offered the following amendment to the substitute, as amended, for the Bill, H. B. 244, to-wit:

AMENDMENT TO SUBSTITUTE,  
AS AMENDED, FOR H. B. 244

Amend Senate Substitute, as amended, for House Bill 244 Page 53, by striking out all language on lines 23 through line 34 and re-number the remaining sections.

Which was adopted.

Mr. Mims offered the following amendment to the substitute, for the Bill, H. B. 244, to-wit:

AMENDMENT TO SUBSTITUTE,  
AS AMENDED,  
FOR H. B. 244

Amend Substitute, as amended, for House Bill No. 244 Page 22 Line 40, by inserting "\$1,050,000 is hereby appropriated to the Board of Corrections. This appropriation is conditional upon the condition of the State General Fund and the approval of the Governor."

Which was adopted.

Mr. Stewart offered the following amendment to the substitute, as amended, for the Bill, H. B. 244, to-wit:

AMENDMENT TO SUBSTITUTE,  
AS AMENDED,  
FOR HOUSE BILL 244

Amend the Substitute, as amended, for House Bill 244 on page 43 relating to PENSIONS AND SECURITY, as follows:

Changing the figures on line 21 from "107,541,035" to 108,849,597

Changing the figures on line 22 from "76,050,347" to 76,111,229

Changing the figures on line 23 from "11,884,857" to 12,865,142

Further amend the Substitute for House Bill 244 on page 44 by:

Changing the figures on line 9 from "200,077,916", to

| General Fund | Trust Funds | Appropriation Total |
|--------------|-------------|---------------------|
| 2,349,729    | 200,077,916 | 202,427,645         |

Further amend the Substitute for House Bill 244 on page 44 by inserting the following words and figures after line 8, and renumbering the subsequent lines accordingly:

(12) State General Fund . . . . 2,349,729

This appropriation is conditional upon the condition of the General Fund and the approval of the Governor.

Which was adopted.

And said substitute, as thus amended, was then adopted by the Senate.

Yeas 30; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—30

*Nays:* Mr. McDonald (S).

—1

And said Bill, H. B. 244, as thus amended by the substitute, was read a third time at length and passed.

Yeas 31; Nays 2.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—31

*Nays:* Messrs. Edwards, McDonald (S).

—2

Mr. Owen moved that the Senate reconsider the vote by which the Bill, H. B. 244, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 330. AUTHORIZING OFFICIALS OF THE JOHN C. CALHOUN STATE COMMUNITY COLLEGE TO NAME A BUILDING IN COMMEMORATION OF E. M. "ED" FRAZIER.

Also:

S. J. R. 350. NAMING THE FORMER TUBERCULOSIS SANATORIUM IN FLINT CITY, NOW OWNED BY THE STATE DEPARTMENT OF MENTAL HEALTH, "THE E. M. 'ED' FRAZIER NORTH ALABAMA REGIONAL HOSPITAL."

Also:

S. J. R. 377. AMENDING S. J. R. 135 OF THE REGULAR SESSION OF 1971 (ACT NO. 2417, S. J. R. 135, PAGE 3848, ACTS OF 1971) WHICH ESTABLISHED THE "ARTS HALL OF FAME" IN THE BIRMINGHAM CIVIC CENTER SO AS TO CHANGE THE LOCATION OF SUCH "HALL" TO THE CAMPUS OF THE UNIVERSITY OF ALABAMA IN BIRMINGHAM, AND TO RESTRUCTURE AND ENLARGE THE MEMBERSHIP OF THE EXECUTIVE BOARD OF SUCH "HALL," AND TO ESTABLISH AN ADVISORY COMMITTEE.

Also:

S. J. R. 402. DESIGNATING AND NAMING THE AUBURN UNION THE JAMES E. FOY UNION.

Also:

S. J. R. 412. NAMING DALLAS COUNTY HIGHWAY 38, "LURLEEN B. WALLACE DRIVE."

Also:

S. J. R. 21. TO DESIGNATE THE BIRMINGHAM FESTIVAL OF ARTS AS THE OFFICIAL STATE ARTS FESTIVAL.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 36. HONORING JAMES W. OAKLEY, SR., RECENTLY INDUCTED INTO THE ALABAMA NEWSPAPER HALL OF HONOR.

JOHN W. PEMBERTON,  
Clerk.

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 48. To change the name of the Alabama Public Library Service to

the Alabama State Library, and to provide that the director shall be known as the state librarian; for this purpose amending Section 41-8-1 through Section 41-8-7 of the Code of Alabama 1975.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26. Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Roberts, St. John, Shelby, Vacca, Wilson.

—26

*Nays:*

—0

The Bill:

S. 221. Relating to the manufacture and distribution of commercial feeds; requiring licensing of manufacturers of commercial feeds; requiring the labeling of such feeds; prohibiting the adulteration or misbranding of any commercial feeds; providing for the inspection of such feeds; authorizing the commissioner of agriculture and industries to promulgate certain rules and regulations for enforcement of the act; providing penalties for violations; and repealing Sections 56-68, Title 2, Code of Alabama 1940.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 221, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 221

Amend S. B. 221 in the title, between line 18 and 19 by striking the words and figures "Sections 56-68, Title 2, Code of Alabama 1940" and inserting in lieu thereof the following: Chapter 21, Title 2, Code of Alabama 1975

Also on page 10, line 12, strike the words and figures "Section 10 of Title 2, Code of Alabama (1940), as amended" and insert in lieu thereof the words and figures: Section 2-1-6, Code of Alabama 1975

Also on page 16, on lines 7 and 8, strike the words and figures "Sections 56-68, Title 2, Code of Alabama 1940, are" and insert in lieu thereof the following: Chapter 21, Title 2, Code of Alabama 1975, is

Which was adopted.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague.

—26

*Nays:*

—0

Mr. Mims offered the following amendment to the Bill, S. B. 221, as amended, to-wit:

### AMENDMENT TO S. B. 221, AS AMENDED

Amend S. B. 221 by deleting the Synopsis in its entirety and inserting the following new Synopsis:

"SYNOPSIS: This bill regulates the manufacture and distribution of commercial feeds; sets certain license fees on manufacturing of commercial feeds; requiring the labeling of such feeds; prohibiting the adulteration or misbranding of any commercial feeds; providing for the inspection of such feeds and authorizing the Commissioner of Agriculture and Industries to promulgate certain rules and regulations for enforcement of this act."

Also amend S. B. 221, page 4, section 4, sub-section (b) by striking lines 14 through 21 and substituting in lieu thereof the following:

|   |        |
|---|--------|
| "Line 14 the words "more than 0 tons but less than 250 tons"    | \$ 30  |
| Line 15 the words "250 tons or more but less than 500 tons"     | \$ 60  |
| Line 16 the words "500 tons or more but less than 1,000 tons"   | \$200  |
| Line 17 the words "1,000 tons or more but less than 2,000 tons" | \$250  |
| Line 18 the words "2,000 tons or more but less than 4,000 tons" | \$300  |
| Line 19 the words "4,000 tons or more but less than 8,000 tons" | \$350  |
| Line 20 the words "8,000 tons or more"                          | \$400" |

Which was adopted.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Proctor, St. John, Shelby, Waldrop, Wilson.

—24

*Nays:*

—0

And said Bill, S. B. 221, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Little, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Powell, Proctor, St. John, Shelby, Wilson.

—25

*Nays:*

—0



The Bill:

S. 214. To appropriate the sum of One Million Seven Hundred Seventy-three Thousand Dollars (\$1,773,000.00), or so much thereof as may be necessary, from the general fund of the state to the Department of Conservation and Natural Resources, Division of State Parks, Monuments and Historical Sites, for the purpose of acquiring, by purchase or condemnation, approximately eight and one-half (8-1/2) miles constituting the westernmost part of Dauphin Island, Mobile County, Alabama; to authorize the use of any available federal matching funds for the purchase of said property; and to further provide that after the purchase of said property by the state, the property may only be used in a dual capacity, one portion as a public beach and park, a second portion as an undeveloped, natural fishing, camping and hiking area.

was taken up.

Mr. Noonan offered the following amendment to the Bill, S. B. 214, to-wit:

#### AMENDMENT TO S. B. 214

Immediately following the word "miles" in the Synopsis, page 1, line 12, and in the Title, page 1, line 30, and in Section 1, page 2, line 11, insert the words and punctuation:

, more or less,

Which was adopted.

Yeas 20; Nays 2.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Foshee, Higginbotham, King, Little, McDonald (S), McMillan, Noonan, Pearson, Perloff, Roberts, St. John, Shelby, Waldrop, Wilson.

—20

*Nays:* Messrs. Fine, Powell.

—2

Mr. Perloff offered the following amendment to the Bill, S. B. 214, as amended, to-wit:

#### AMENDMENT TO SENATE BILL 214, AS AMENDED

Amend Senate Bill 214, page 2, Section 1 line 10, by deleting after the word "procedure" and the "comma" the following: "to acquire title to approximately eight and one-half (8-1/2) miles located on the westernmost end of Dauphin Island, Mobile County, Alabama," and inserting in lieu thereof the following: within 18 months of the effective date of this act to acquire title to the following described real property, to wit:

all that portion of Dauphin Island lying West of a line running due North and South at a point situated seven (7) miles (36,960 feet) due West from the West line of the Fort Gaines Reservation as marked on the ground by granite monuments in September, 1911.

Further amend Senate Bill 214, page 2, Section 1, by starting at the end

of line 14 by striking the words and figures "One Million Seven Hundred Seventy-three Thousand Dollars (\$1,773,000.00)." and inserting in lieu thereof: One Million Five Hundred Twenty-three Thousand Dollars (\$1,523,000.00).

Further amend Senate Bill 214, page 2, after Section 1, by adding the following new paragraphs:

At the time that any part of the land acquired in this section is developed as hereinafter in this act provided the Department of Conservation and Natural Resources shall provide water and sewer services adequate to serve residential and commercial developments to the following described real property to wit:

all that portion of Dauphin Island lying West of a line running due North and South at a point situated six (6) miles (31,680 feet) due West from the West line of the Fort Gaines Reservation as marked on the ground by granite monuments in September, 1911 and East of any land acquired by the Department of Conservation and Natural Resources pursuant of the provisions of this Act.

Any road constructed by the Department of Conservation and Natural Resources as a means of ingress and egress to any of the property herein described shall be no more than two hundred (200) feet South of the mean high tide line of the Mississippi Sound an easement for which shall be dedicated to the State of Alabama at the time of the purchase of the property as herein provided.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Carter:

H. J. R. 101. TO CREATE AN INTERIM LEGISLATIVE STUDY COMMITTEE TO STUDY THE FUNCTIONS OF THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created an interim legislative study commission to study the functions and operations of the Department of Conservation and Natural Resources. Said committee shall be composed of three members of the House of Representatives appointed by the Speaker of the House of Representatives and two members of the Senate appointed by the President of the Senate. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee.

Said committee shall be charged with the duty of studying the functions and operations of the Department of Conservation and Natural Resources, in particular the Game and Fish, Water Safety and Parks Divisions.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legisla-

tive day of the 1979 Regular Session, whereupon the committee shall be dissolved.

Each member of the committee shall be entitled to his regular legislature compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman, provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session. The committee shall be limited to 30 meeting days beginning immediately upon the effective date of this act. The total amount to be spent under this resolution shall not exceed \$15,000.00. Only those who are elected members of the legislature shall serve on this committee.

. JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 101, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Finance and Taxation.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Glass:

H. J. R. 464. CREATING THE JOINT LEGISLATIVE STUDY COMMITTEE ON THE ECONOMICAL IMPACT OF THE BUSINESS ENTERPRISES OF THE UNIFICATION CHURCH, AND ITS AFFILIATES, ON THE SEAFOOD, FISHING, AND RELATED INDUSTRIES OF THIS STATE.

WHEREAS, the lives and livelihood of many citizens of this state are dependent on a healthy, competitive and strong fishing and seafood industry; and

WHEREAS, it is in the best interests of the health of our citizens to enforce its reasonable regulations pertaining to the seafood and fishing industry; and

WHEREAS, the economy of many areas in this state will collapse if unconscionable industry practices are permitted; and

WHEREAS, the Alabama Legislature is charged with the awesome responsibility of enacting legislation that protects the health and welfare of the citizens of this state and to correct, by legislation, those actions which are contrary to the welfare and well-being of our citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the joint legislative study committee on the social and economical impact of the

business enterprises of the Unification Church, and its affiliates, on the seafood, fishing and related industries of this state. The study committee shall be composed of five members: three members from the House of Representatives and two members from the Senate, appointed by the Speaker of the House and the President of the Senate, respectively. The chairman and vice chairman shall be elected at the first meeting from among its membership.

The committee shall study all facets of the economical and social impact of the proposed entry by the Unification Church, or any of its affiliates, into the seafood and fishing market, and related industries, operating in this state. It shall have investigative and subpoena powers and the power to punish for contempt, and the members shall be authorized to travel within and without this state in gathering information and data which it deems pertinent to its study.

The study of the Unification Church and its affiliates shall include, but not be limited to, the following: 1) the economic and social impact of the Unification Church in those communities within this state and in the southeastern region of the United States which traditionally have depended upon the seafood and fishing industry, examining the community's traditional standards in the trade; 2) the consequences of employment on the citizens of this state; 3) the sources of financial contribution and percentage of the distribution of profits for bona fide charitable purposes; 4) the extent, if any, of influence-peddling and political activity to further the objectives of foreign governments and any link to foreign intelligence operations; 5) the solicitation of funds which fund raising may be aimed at the evasion of tax laws and immigration laws, whether state or federal statutes. The committee is further directed to cooperate with any branch of the federal government in its investigation of the business practices of the said Unification Church.

BE IT FURTHER RESOLVED, That the members of the committee may accept voluntary clerical assistance from any source and the assistance of any state agency in its investigation, study and report to the legislature. The members shall report its findings, conclusions, and recommendations to the legislature not later than the fifth legislative day of the 1979 Regular Session, whereupon the committee shall stand dissolved and discharged. Each member shall be entitled to his regular legislative compensation, per diem and travel expenses for each day actually engaged in the business of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session. The total cost will not exceed \$20,000.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 464, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 38. NAMING A PORTION OF BIBB COUNTY ROAD NUMBER 12 IN COMMEMORATION OF SENATOR WALTER C. GIVHAN.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 20. CONGRATULATING THE HALL OF FAME PROMOTERS ON THEIR INAUGURAL CLASSIC.

Also:

H. J. R. 83. COMMENDING COACH KENNETH HAROLD MCKINNEY AND HIS STEVENSON HIGH SCHOOL STATE 2-A FOOTBALL CHAMPIONS.

Also:

H. J. R. 84. HONORING MR. ROBERT LEE BOWLES, PROMINENT JACKSON COUNTY CIVIC AND RELIGIOUS LEADER.

Also:

H. J. R. 403. CONGRATULATING MR. WILLIE STEWART, NAMED "PANTHER OF THE YEAR."

Also:

H. J. R. 516. COMMENDING THE BIRMINGHAM-SOUTHERN COLLEGE BASKETBALL TEAM.

Also:

H. J. R. 519. MOURNING THE DEATH OF POLICE CAPTAIN A. CARLOS WELLS.

Also:

H. J. R. 602. DECLARING THE WEEK OF MAY 28-JUNE 3 ALABAMA POULTRY AND EGG WEEK.

Also:

H. J. R. 592. CONGRATULATING AND COMMENDING JUDGE FRANK B. EMBRY, RECENTLY HONORED BY THE MONTGOMERY BAR.

Also:

H. J. R. 591. COMMENDING THE LEGISLATIVE WIVES COOKBOOK COMMITTEE.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 304. To make an appropriation from the Alabama Special Educational Trust Fund to the Henry County Board of Education for capital outlay purposes to be used to restore or replace the Newville Elementary School which was destroyed by fire.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. 188. To provide for the appointment of an advisory board to advise the Alabama Historical Commission on the acquisition, maintenance, and protection of certain properties and objects of historical interest located at Fort Tombeckbee in Sumter County.

Also:

H. 384. To name the building now under construction at Shelton State Technical College in Tuscaloosa, Tuscaloosa County, Alabama, the "Victor Poole Learning Resources Center."

Also:

H. 522. To amend Section 16-53-3, Code of Alabama 1975, relating to the board of trustees of Livingston University, so as to further provide for the membership of such board.

Also:

H. 541. To name the International House at Jacksonville State University "The Clarence W. Daugette, Jr. House."

Also:

H. 767. To name the Fine Arts Building at Enterprise State Junior College, Coffee County, Alabama, the "B. A. Forrester Building"; unit one of said facility is already completed with two additional units scheduled for construction.

Also:

H. 994. To name the National Guard Armory at Albertville, Alabama, the "Robert C. Davis National Guard Armory".

Also:

H. J. R. 575. RECOGNIZING THE ACCOMPLISHMENTS OF THE TROY STATE UNIVERSITY SYSTEM AND ITS PRESIDENT, DR. RALPH W. ADAMS.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

#### FURTHER CONSIDERATION OF S. B. 214

The Senate proceeded to further consideration of the Bill, S. B. 214, as amended.

The question was on the amendment offered by Mr. Perloff.

On motion of Mr. Powell, further consideration of the Bill, S. B. 214, as amended, and pending amendment, was postponed temporarily.

#### MOTION TO ADJOURN LOST

At 3:35 P.M., Mr. Peden moved that the Senate adjourn until Thursday, April 13, 1978, at 9 o'clock A.M., which motion was lost.

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 358. To regulate occupational therapy; to provide for a short title; to provide for a declaration of purpose; to provide for definitions; to provide for the Alabama State Board of Occupational Therapy, its establishment, terms of office, vacancies, and removal of members; to provide for members of the Board; to provide for administrative provisions and powers and duties of the Executive Board of Alabama; to provide for service of process and official records as prima facie evidence; to provide for licenses as a requirement of practice; to provide for persons and practices not affected by this Act; to provide for requirements for licenses; to provide for examinations; to provide for waiver of requirements for licenses; to provide for issuance of licenses; to

provide for suspension and revocation of licenses; to provide for renewal of licenses; to provide for fees; to provide for crimes and criminal penalties for violations of this Act; to provide for other matters relative to the foregoing; to provide for severability; to provide for an effective date; to repeal conflicting laws; and for other purposes.

was taken up.

The Standing Committee on Health and Welfare reported the following substitute for the Bill, S. B. 358, to-wit:

COMMITTEE SUBSTITUTE  
FOR S. B. 358

A BILL  
TO BE ENTITLED  
AN ACT

To regulate occupational therapy; to provide for a short title; to provide for a declaration of purpose; to provide for definitions; to provide for the Alabama State Board of Occupational Therapy, its establishment, terms of office, vacancies, and removal of members; to provide for members of the board; to provide for administrative provisions and powers and duties of the executive board of Alabama; to provide for service of process and official records as prima facie evidence; to provide for licenses as a requirement of practice; to provide for persons and practices not affected by this act; to provide for requirements for licenses; to provide for examinations; to provide for waiver of requirements for licenses; to provide for issuance of licenses; to provide for suspension and revocation of licenses; to provide for renewal of licenses; to provide for fees; to provide for crimes and criminal penalties for violations of this act; to provide for other matters relative to the foregoing; to provide for severability; to provide for an effective date; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known and may be cited as the "Alabama State Occupational Therapy Licensing Act."

Section 2. Declaration of Purpose. The Alabama State Occupational Therapy Licensing Act is enacted to safeguard the public health, safety, and welfare and to assure the availability of occupational therapy services of high quality to persons in need of such services. It is the purpose of this act to provide for the regulation of persons offering occupational therapy services to the public.

Section 3. Definitions. In this act, the following terms shall have the respective meanings provided in the section unless the context clearly requires a different meaning:

- (a) "Association" means the Alabama Occupational Therapy Association.
- (b) "Board" means the Alabama State Board of Occupational Therapy.
- (c) "License" means a valid and current certificate of registration issued by the executive board of the Alabama State Board of Occupational Therapy.
- (d) "Person" means a human person only, not a legal entity.



(e) The practice of "occupational therapy" includes but is not limited to the following:

(1) Evaluation and treatment of individuals whose abilities to cope with the tasks of living are threatened or impaired by developmental deficits, the aging process, learning disabilities, poverty and cultural differences, physical injury or disease, psychological and social disabilities, or anticipated dysfunction. The treatment utilizes task-oriented activities to prevent or correct physical or emotional deficits or to minimize the disabling effect of these deficits in the life of the individual.

(2) Such evaluation techniques as assessment of sensory motor abilities, assessment of the development of self-care activities and capacity for independence, assessment of the mental and physical capacity for pre-vocational and work tasks, assessment of play and leisure performance, and appraisal of living areas for the handicapped.

(3) Specific occupational therapy techniques such as activities of daily living skills, the fabrication and application of splinting devices, sensory motor activities, the use of specifically designed manual and creative activities, guidance in the selection and use of adaptive equipment, specific exercises to enhance functional performance, and treatment techniques for physical capabilities for work activities. Such techniques are applied in the treatment of individual patients or clients in groups, or through social systems.

(f) A "Registered Occupational Therapist" is one who practices occupational therapy, and whose name appears on the American Occupational Therapy Association Registry.

(g) A "Certified Occupational Therapy Assistant" is one who practices occupational therapy under the supervision of, or with the consultation of, the Registered Occupational Therapist.

(h) A "Licensed Occupational Therapist" means a person licensed to practice occupational therapy as defined in this act, and whose license is in good standing.

(i) A "Licensed Occupational Therapy Assistant" means a person licensed to assist in the practice of occupational therapy under the supervision of or with the consultation of the licensed occupational therapist, and whose license is in good standing.

(j) "Occupational Therapy Aide" means a person who provides supportive services to the Occupational Therapist and the Occupational Therapy Assistant in the practice of occupational therapy, who works under the direct supervision of the occupational therapist.

Section 4. Alabama State Board of Occupational Therapy; Establishment; Terms of Office; Vacancies; Removal of Members. There is hereby established the Alabama State Board of Occupational Therapy.

(a) The board shall consist of three members who shall be appointed by the Governor and confirmed by the senate. The three members shall be appointed from a list of names submitted by the Alabama Occupational Therapy Association. The members of the board shall be citizens of the United States and residents of this state for at least one year prior to their appointment. The members appointed from the list submitted by the Associa-

tion shall have been engaged in rendering services to the public, teaching, or research in occupational therapy for at least two years immediately preceding their appointment. The board members appointed from the list submitted by the association may be occupational therapists or occupational therapy assistants, and shall at all times be holders of valid licenses for the practice of occupational therapy in the state. The appointees do not need to be members of the state association. Except for the members of the first board appointed from the list submitted by the association, all of such members shall fulfill the requirements for licensure of this act.

(b) The board shall within 90 days after the effective date of this act, be selected as provided in subsection (a). The members of the first board shall serve the following terms: one member for a term of one year, one member for a term of two years, and one member for a term of three years. At the expiration of the above terms, board members shall be appointed in the same manner as the initial appointment for a period of three years, but no person shall be appointed to serve more than two consecutive terms.

(c) Terms shall begin on the first day of the calendar year and end on the last day of the calendar year or until successors are appointed, except for the first members who shall serve through the last calendar day of the year in which they are appointed before commencing the terms prescribed by this section of the last year for which they were appointed before the commencement of the terms of three years prescribed by this section.

(d) Within 45 days after the date of enactment of this act and annually thereafter, the association shall submit at least three and not more than five names for each of the positions to be filled by nominees from the association. In the event of a midterm vacancy in one of the positions for which it has earlier submitted nomination, the association shall, as soon as practicable, recommend at least two and not more than three persons to fill that vacancy. When a vacancy occurs on the board, the Governor shall appoint a member to fill the unexpired term.

(e) The Governor, after notice and opportunity for hearing by the board, may remove any member of the board for neglect of duty, incompetence, revocation or suspension of his license, or other dishonorable conduct. After such removal, or vacancy due to other reasons, the board shall appoint a successor, from names previously submitted, to the unexpired term.

#### Section 5. Members of the Board; Powers and Duties.

(a) The board shall administer, coordinate, and enforce the provisions of this act.

(b) The board shall have the responsibility of evaluating the qualifications and supervising the examinations of applicants for licensure under this act.

(c) The board shall adopt rules and regulations relating to professional conduct to carry out the policy of this act, including but not limited to regulations relating to professional licensure and the establishment of ethical standards of practice for persons holding a license to practice occupational therapy in this state, and may amend or repeal the same.

(d) The board shall prepare or approve all examinations of applicants for license at least twice a year, determine the qualifications and authorize the issuance of licenses to qualified occupational therapists and occupational therapy assistants, issue and renew licenses, suspend or revoke licenses in

the manner provided, and determine the qualifications and approve qualified occupational therapy schools and courses in occupational therapy for the purpose of determining qualifications of applicants for licensure.

(e) The board may provide for the continuing professional education of persons subject to this act by appropriate regulation.

(f) The board shall establish fees and maintain a register of all persons holding a license and a record of all inspections made.

(g) The board shall appoint representatives or contract with qualified testing services to conduct or supervise examinations and designate time and place for examining applicants.

(h) The board shall make an annual report to the Governor not later than the 15th day of November of each year, which report shall contain an account of duties performed, actions taken, and appropriate recommendations.

Section 6. License Required. No person shall practice occupational therapy or hold himself or herself out as an occupational therapist or an occupational therapy assistant or as being able to render occupational therapy services in this state unless he or she is licensed in accordance with the provisions of this act.

Section 7. Persons and Practices not Affected. Nothing in this act shall be construed as preventing or restricting the practice, services, or activities of:

(a) any person licensed under any other law of the State of Alabama, including physicians, nurses, clinical psychologists, speech pathologists and audiologists, dentists, and physical therapists, from engaging in the profession or occupation for which he or she is licensed; or

(b) any person employed as an occupational therapist or an occupational therapy assistant by the government of the United States, if such a person provides occupational therapy solely under the direction or control of the organization by which he or she is employed; or

(c) any person pursuing a course of study leading to a degree or certificate in occupational therapy in an educational program which is approved by the American Occupational Therapy Association in collaboration with the American Medical Association, and if such person is designated by a title which clearly indicated his or her status as a student or trainee; or

(d) any person fulfilling the supervised field work experience requirements of Section 8 of this act, if such activities and services constitute a part of the experience necessary to the requirement of that section; or

(e) any person performing occupational therapy services in this state not licensed under this act, if such services are performed for no more than 90 days a calendar year in association with an occupational therapist licensed under this act, if such person meets the qualifications for license under this act except for the qualifying examination; or

(f) any person performing occupational therapy services in the state not licensed under this act, and if such services are performed for no more than 180 calendar days in a calendar year, if:

(1) such a person is licensed under the law of another state which has

licensure requirements at least as stringent as the requirements of this act; or

(2) such person meets the requirements for certification as an Occupational Therapist Registered (OTR) or a Certified Occupational Therapy Assistant (COTA) established by the American Occupational Therapy Association.

Section 8. Requirements for License. An applicant applying for a license as an occupational therapist or as an occupational therapy assistant shall file a written application on forms provided by the board, showing to the satisfaction of the board that he or she meets the following requirements:

(a) applicant shall be of good moral character;

(b) applicant shall present evidence satisfactory to the board of having successfully completed the academic requirements of an educational program in occupational therapy recognized by the board, with concentration in biological or physical science, psychology, and sociology and with education in selected manual skills.

(1) for an occupational therapist, such a program shall be accredited by the American Occupational Therapy Association in collaboration with the American Medical Association;

(2) for an occupational therapy assistant, such a program shall be accredited by the American Occupational Therapy Association;

(c) applicant shall submit to the board evidence of having successfully completed a period of supervised field work experience at a recognized educational institution or a training program accredited as provided in subsection (b) of this section.

(1) for an occupational therapist, a minimum of six months of supervised field experience is required;

(2) for an occupational therapy assistant, a minimum of 10 weeks of supervised field work experience is required;

(d) applicant for licensure as an occupational therapist or as an occupational therapy assistant shall pass an examination as provided for in Section 9 of this act;

(e) applicant not meeting the requirements as stated in the aforementioned subsections has obtained a waiver of said requirements pursuant to Section 10 of this act.

Section 9. Examinations. (a) A person applying for licensure shall demonstrate his or her eligibility in accordance with the requirements of Section 8 of this act and shall make application for examination upon a form and in such a manner as the board shall prescribe. Such application shall be accompanied by the fee prescribed in Section 13 of this act, which fee shall not be refunded. A person who fails an examination may make reapplication for reexamination accompanied by the prescribed fee.

(b) Each applicant for licensure under this act shall be examined by the board in written examination to test his or her knowledge of the basic and clinical sciences relating to occupational therapy and occupational therapy

theory and practice, including the applicant's professional skills and judgment in the utilization of occupational therapy techniques and methods and such other subjects as the board may deem useful to determine the applicant's fitness to practice. The board shall establish the standards for acceptable performance by the applicant.

(c) Applicants for licensure shall be examined at a time and place and under such supervision as the board may determine. Examinations given at least twice a year at such places within the state as the board may determine, and the board shall give reasonable public notice of such examinations in accordance with its rules and regulations at least 60 days prior to their administration and shall notify by mail all individual applicants for the examination of the time and place of their administration.

(d) Applicants may obtain their examination scores and may review their papers in accordance with such rules and regulations as the board may establish.

#### Section 10. Waiver of Requirements for Licensure.

(a) The board shall waive the examination and grant a license to any person certified prior to the effective date of this act as an Occupational Therapist Registered (OTR) or as a Certified Occupational Therapy Assistant (COTA) by the American Occupational Therapy Association. The board may waive the examination and grant a license to any person so certified after the effective date of this act if the board considers the requirements for certification to be equivalent to the requirements for licensure in this act.

(b) The board may waive the examination and grant a license to any applicant who shall present proof of current licensure as an occupational therapist or an occupational therapy assistant in another state, the District of Columbia, or territory of the United States which requires standards for licensure considered by the board to be equivalent to the requirements for licensure of this act.

(c) The board shall waive the education and experience requirements for licensure in Section 8 (b) and (c) for applicants for licensure who present evidence to the board that they have been engaged in the practice of occupational therapy on and prior to the effective date of this act. Such proof of actual practice shall be presented to the board in such a manner as it may prescribe by regulation. To obtain the benefit of this waiver, an applicant shall file an application no later than one year from the effective date of this act.

#### Section 11. Issuance of a License.

(a) The board shall issue a license to any person who meets the requirements of this act upon payment of the license fee prescribed.

(b) The board shall issue a limited permit to persons who have completed the education and experience requirements of this act. This permit shall allow the person to practice occupational therapy under the supervision of an occupational therapist who holds a current license in this state and shall be valid until the date on which the results of the next qualifying examination has been made public. This limited permit shall not be renewed if the applicant has failed the examination.

(c) Any person who is issued a license as an occupational therapist under the terms of this act may use the words "occupational therapist regis-

tered", "licensed occupational therapist", or "occupational therapist", or he or she may use the letters "O.T.R.", "L.O.T.", or "O.T." in connection with his or her name or place of business to denote registration hereunder.

(d) Any person who is issued a license as an occupational therapy assistant under the terms of this act may use the words "occupational therapy assistant", "licensed occupational therapy assistant", or "certified occupational therapy assistant" or may use the letters "O.T.A.", "L.O.T.A.", or "C.O.T.A." in connection with his or her name or place of business to denote his or her registration hereunder.

#### Section 12. Renewal of License.

(a) All licenses under this act shall be subject to renewal and shall expire unless renewed in the manner prescribed by the rules and regulations of the board upon the payment of a renewal fee. The board may establish additional requirements for license renewal which evidence of continued competence. The board may provide for late renewal of a license upon payment of a late renewal fee. Any license which has not been restored within five years following its expiration may not be renewed, restored or reissued thereafter. The holder of such a cancelled license may apply for and obtain a valid license only upon compliance with all relevant requirements for issuance of a new license.

Section 13. Fees. (a) The board is empowered to collect the following fees:

|                                 |         |
|---------------------------------|---------|
| (a) application for examination | \$ 5.00 |
| (b) examination fee             | \$50.00 |
| (c) initial license fee         | \$50.00 |
| (d) renewal of license fee      | \$25.00 |
| (e) late renewal fee            | \$ 5.00 |

(b) All fees collected pursuant to this act shall be non-refundable and shall be deposited in the state treasury to the credit of the Alabama State Board of Occupational Therapy and shall constitute a separate fund to be disbursed as prescribed hereinafter in subsection (c) of this section and shall constitute a continuous, annual appropriation to said board.

(c) For the purpose of carrying out the objects of this act, and for the exercise of the powers herein granted, the Alabama State Board of Occupational Therapy shall have the power to direct the disbursement of the separate fund created by subsection (b), above, which shall be paid on warrant of the state comptroller upon certificate or voucher of the secretary of the board, approved by the president or vice-president of the board. No funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of Sections 41-4-80 through 41-4-96, Code of Alabama 1975.

(d) The board may accept contributions and bequests from individuals, organizations and corporations and must expend these funds to carry out the purpose of this act. Records of receipts and expenditures of such funds shall be made available to examiners of public accounts upon request.

#### Section 14. Penalties.

(a) Each violation of this act shall be punishable by fine of not less than

\$100.00 nor more than \$500.00, or by imprisonment for not less than 30 days nor more than 90 days, or both.

(b) Any person who knowingly makes a false statement in his application for registration or license under this act or in response to any inquiry by the board, shall be fined not less than \$100.00 nor more than \$500.00 or by imprisonment for not less than 30 days nor more than 90 days, or both.

(c) It is unlawful for any person who is not registered under this act as an occupational therapist or as an occupational therapy assistant or whose registration has been suspended or revoked to use, in connection with his or her name or place of business, the words "occupational therapist", "licensed occupational therapist", "occupational therapist registered", "certified occupational therapy assistant", "licensed occupational therapy assistant", or "occupational therapy assistant"; or the letters "O.T.", "L.O.T.", "O.T.R.", "C.O.T.A.", "L.O.T.A.", or "O.T.A."; or any other words, letters, abbreviations or insignia indicating or implying that he or she is an occupational therapist or an occupational therapy assistant or to show in any way, orally, in writing, in print, or by sign, directly or by implication, or to represent himself or herself as an occupational therapist or an occupational therapy assistant.

Section 15. Refusal or Suspension or Revocation of License. The Board shall refuse to issue a license to any person, and after notice and hearing in accordance with its regulations and rules, shall suspend or revoke the license of any person who has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. Such unprofessional conduct shall include licensee who has:

(a) used drugs or intoxicating liquors to an extent which affects his professional competency;

(b) been convicted of a felony or of a crime involving moral turpitude;

(c) obtained or attempted to obtain a license by fraud or deception;

(d) been negligent in the practice of occupational therapy;

(e) been adjudged mentally incompetent by a court of competent jurisdiction;

(f) been adjudged guilty by the board, of conduct unbecoming a person registered as an occupational therapist or licensed as an occupational therapy assistant or of conduct detrimental to the best interest of the public;

(g) treated or undertaken to treat human ailments otherwise than by occupational therapy as defined in this act;

(h) advertised unethically according to standards as set by the Alabama Occupational Therapy Association and the board;

(i) failed or refused to obey any lawful order or regulation of the board.

Such denial, refusal to renew, suspension, revocation, or imposition or probationary conditions upon a license may be ordered by the board in a decision made after a hearing in the manner provided by the rules and regulations adopted by the board. One year from the date of revocation of a license, application may be made to the board for reinstatement. The board shall have the discretion to accept or reject an application for reinstatement and may, but shall not be required to, hold a hearing to consider such reinstatement.

**Section 16. Complaint-Hearing-Appeal.** Any person may file a complaint with the board against any licensed occupational therapist or licensed occupational therapist assistant in the state charging said person with having violated the provisions of this act. The complaint shall set forth specifications of charges in sufficient detail so as to disclose to the accused fully and completely the alleged acts of misconduct for which he is charged. When such complaint is filed the secretary of the board shall mail a copy thereof to the accused by registered mail at his address of record, with a written notice of the time and place of hereing thereof, advising him that he may be present in person and by counsel if he so desires, to offer evidence and be heard in his defense.

At the time and place fixed for the hearing the board shall receive evidence upon the subject matter under consideration and shall accord the person against whom charges are preferred a full and fair opportunity to be heard in his defense. The board shall not be bound by strict or technical rules of evidence but shall consider all evidence fully and fairly; provided, however, that all oral testimony considered by the board must be under oath. If the board is convinced that the registered occupational therapist or the licensed occupational therapy assistant has violated the provisions of this act, it shall have the power to revoke his license.

The action of the board in revoking or refusing to issue a license may be reviewed by the circuit court of Montgomery County by a writ of mandamus, accompanied by a bond to be approved by the court, to determine whether the board acted arbitrarily, capriciously, or illegally. The review procedure provided herein shall not suspend the action of the board in the revocation or refusal of a license.

**Section 17. Severability.** In the event any section, subsection, sentence, clause or phrase of this act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner effect the other sections, subsections, sentences, clauses, or phrases of this act, which shall remain of full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The legislature hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

**Section 18. Repealer.** All laws or parts of laws in conflict with this act are hereby repealed.

**Section 19. Effective Date.** This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Which was adopted.

Yeas 13; Nays 2.

*Yeas:*

Messrs. Adams, Bank, Ellis, Fine, Little, McMillan, Mitchell, Noonan, Pearson, Perloff, Roberts, Shelby, Teague.

—13

*Nays:* Messrs. McDonald (S), St. John.

—2



On motion of Mr. Baker, further consideration of the Bill, S. B. 358, as thus amended by the substitute, was postponed temporarily.

The Bill:

S. 183. To amend Section 40-23-4 of the Code of Alabama 1975, providing exemptions from the state sales tax so as to further provide for an exemption for diesel oil and tractor fuel used on a farm for agricultural purposes.

was taken up.

On motion of Mr. Shelby, consideration of the Bill, S. B. 183, was postponed temporarily.

### RESOLUTION

Mr. Clemon offered the following Senate Resolution, to-wit:

S. R. 445. COMMENDING AND CONGRATULATING CARLTON BROWN, JUNIOR.

WHEREAS, the Senate of the Legislature of Alabama is pleased to note that Carlton Brown, Junior has worked diligently to earn the prestigious title of Valedictorian at Jackson-Olin High School; and

WHEREAS, his classmates recognized his leadership qualities and elected him President of the Senior Class at the above-mentioned high school; and

WHEREAS, said Carlton Brown, Junior is not only a member of the Marching and Concert Band at Jackson-Olin High School, but also was honored by being elected Vice-President of the school choir; and

WHEREAS, Carlton Brown, Junior has participated actively as a member of the Student Government Association; and

WHEREAS, further among the recognition of his abilities, he has been chosen to become a member of the Mu Alpha Theta Honor Society, and has attained a place in the "Who's Who Among American High School Seniors"; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we most highly commend and congratulate Carlton Brown, Junior, on his many accomplishments in his high school career, and we offer him all good wishes for success in the future.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Carlton Brown, Junior that he may know of our warm wishes and high praise.

On motion of Mr. Clemon, the Rules were suspended and the Resolution was adopted by the Senate.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 674. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State of Alabama adopted during the 1976 and 1977 sessions of the Legislature and Act No. 144, S. 58, 1975 3rd

Special Session, effective December 1, 1976, with the exception of the Alabama Criminal Code (Act No. 607, S. 33, 1977 Regular Session), as contained in the 1977 Cumulative Supplement to the Code of Alabama 1975 and to make certain corrections in such Cumulative Supplement.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Higginbotham, Jones, Little, McMillan, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca.

—24

*Nays:*

—0

The Bill:

S. 672. To amend Sections 27-1-4, 22-21-240, and 22-21-242 of the Code of Alabama 1975, so as to allow licensed dental practitioners in Alabama to establish, maintain, administer and operate a trust for the purpose of insuring against general public liability claims based upon acts or omissions of such dental practitioners.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Higginbotham, Jones, Little, Mims, Mitchell, Noonan, Peden, Perloff, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—26

*Nays:*

—0

The Bill:

S. 283. To require that each city and county board of education reimburse its employees for mileage when said employees are required to travel as a part of their job assignment.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—29

*Nays:*

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 704. To allow those county employees who but for Section 3 of Act No. 176 of the 1959 Regular Session of the Alabama Legislature would have contributed to the Montgomery County Employees' Retirement System to pay the amount not deducted plus interest and thereby receive credit for membership in the Montgomery County Employees' Retirement System for the period of time when such monies were not contributed.

JOHN W. PEMBERTON,  
Clerk.

## BILLS ON THIRD READING RESUMED

The Bill:

S. 36. To provide that the act, use, or employment by any person of any deception, deceptive act or practice, fraud, false pretense, false promise, misrepresentation, or concealment, suppression or omission of any material fact with intent that others rely upon such concealment, suppression or omission, in connection with the sale or advertisement of any merchandise whether or not any person has in fact been misled, deceived, or damaged thereby, is declared to be an unlawful practice; to prescribe procedure for prosecution of such unlawful practice and to provide civil and criminal penalties for violators.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 36, to-wit:

## COMMITTEE SUBSTITUTE FOR S. B. 36

A BILL  
TO BE ENTITLED  
AN ACT

A bill to be known as the "Deceptive Trades Practices and Consumer Protection Law"; creating an Office of Consumer Protection; establishing and prohibiting unlawful trade practices; providing for exemptions from this Act; providing for private actions; providing penalties; establishing a statute of limitations.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title. This Act shall be known and may be cited as the "Deceptive Trades Practices and Consumer Protection Law."

Section 2. Definitions. As used in this Act, the following words and phrases shall have the meanings hereinafter ascribed to them:

(a) "Consumer" shall mean any person who uses or buys goods or services for personal, family, household, or business use.

(b) "Director" shall mean the Governor's appointed head of the Office of Consumer Protection.

(c) "Goods" shall include but not be limited to any property, tangible or intangible, real, personal, or any combination thereof, and any franchise, license, distributorship, or other similar right, privilege, or interest.

(d) "Know," "knowing," "knowingly," "knowledge," and "knew" shall mean actual awareness of the falsity or deception, but such actual awareness may be inferred where objective manifestations indicate that the supplier acted with such knowledge.

(e) "Office" shall mean the Governor's Consumer Protection Office created by this Act.

(f) "Person" shall include but not be limited to natural persons, corporations, trusts, partnerships, incorporated or unincorporated associations, and any other legal entity.

(g) "Sale," "buying," and "distribution" in addition to their ordinary meanings, shall include but not be limited to the act of leasing, renting, or consigning.

(h) "Services" shall mean work, labor, and services or other than a commercial or business use, including services furnished in connection with the sale or repair of goods.

Section 3. Office of Consumer Protection; Director. There is hereby created within the Office of the Governor, an Office of Consumer Protection. The head of this Office shall be the Director of the Office of Consumer Protection who shall be appointed by the Governor and confirmed by the Senate.

Section 4. Personnel. The Director may appoint such staff members as may be required to adequately operate the Office of Consumer Protection.

Section 5. Salaries; Benefits. The Director of the Office of Consumer Protection shall receive a salary at the discretion of the Governor, not to exceed \$25,000. The appointive positions shall receive salaries similar to those paid on the equal levels or the State Merit System.

Section 6. Unlawful Trade Practices. The following unfair or deceptive acts or practices in the conduct of any trade or commerce with a consumer are hereby declared to be unlawful:

(a) Passing off goods or services as those of another;

(b) Causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services;

(c) Causing confusion or misunderstanding as to affiliation, connection, or association with, or certification by another, provided however, that this section shall not prohibit the private labeling of goods or services;

(d) Using deceptive representations or designations of geographic origin in connection with goods or services;

(e) Representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or qualities that they do not have or that a person has sponsorship, approval, status, affiliation, or connection that he does not have;

(f) Representing that goods are original or new if they are deteriorated, reconditioned, reclaimed, used, second-hand or altered to the point of decreasing the value, or rendering the goods unfit for the purpose for which they were purchased.

(g) Representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another;

(h) Disparaging the goods, services, or business of another by false or misleading representation of fact;

(i) Advertising goods or services with intent not to sell them as advertised;

(j) Advertising goods or services with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity;

(k) Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;

(l) Knowingly failing to identify flood, water, fire, or accidentally damaged goods as damaged goods;

(m) Knowingly making false or misleading statements of fact concerning the need for parts, replacement, or repair service;

(n) Misrepresenting the authority of a salesman, representative, or agent to negotiate the final terms of a consumer transaction;

(o) Disconnecting, turning back, or resetting the odometer of any motor vehicle so as to reduce the number of miles indicated on the odometer gauge;

(p) Advertising of any sale by falsely representing that a person is going out of business;

(q) Using or employing a chain referral sales plan in connection with the sale or offer to sell of goods, merchandise, or anything of value, which uses the sales technique, plan, arrangement, or agreement in which the buyer or prospective buyer is offered the opportunity to purchase merchandise or goods in connection with the purchase receives the seller's promise or representation that the buyer shall have the right to receive compensation or consideration in any form for furnishing to the seller the names of other prospective buyers if receipt of the compensation or consideration is contingent upon the occurrence of an event subsequent to the time the buyer purchases the merchandise or goods;

(r) Selling or offering to sell, either directly or associated with the sale of goods or services, a right of participation in a pyramid sales structure. As used herein, "pyramid sales structure" includes any plan or operation for the sale or distribution of goods, services, or other property wherein a person for a consideration acquires the opportunity to receive a pecuniary benefit, which is not primarily contingent on the volume or quantity of goods, services, or

other property sold or distributed to persons for purposes of retail to consumers, and is based upon the inducement of additional persons, by himself or others, regardless of number, to participate in the same plan or operation. For purposes of this subsection, consideration shall not include payments made for sales demonstration equipment and materials furnished on a nonprofit basis for use in making sales and not for resale, or payments which amount to less than one hundred dollars (\$100.00) annually;

(s) Engaging in any other deceptive acts or practices in the conduct of any trade or commerce;

(t) It is the intent of the Legislature that in construing Section 6 of this Act, due consideration and great weight shall be given where applicable to the interpretations of the Federal Trade Commission and the Federal courts relating to Section 5 (a) (1) of the Federal Trade Commission Act [15 U.S.C. 45 (a) (1)], as from time to time amended.

#### Section 7. Exemptions. Nothing in this Act shall apply to:

(a) Actions or transactions permitted or required by law or under laws administered by the State Public Service Commission or other regulatory body or officer acting under statutory authority of this State, or the United States;

(b) Acts done by the publisher, owner, agent, or employee of a newspaper, periodical, or radio, or television station in the publication, or dissemination, or an advertisement, when the owner, agent, or employee did not have knowledge of the false, misleading, or deceptive character of the advertisement, did not prepare the advertisement, and did not have a direct financial interest in the sale or distribution of the advertised product or service;

(c) Credit terms of a transaction which may otherwise be subject to the provisions of this Act;

(d) Any seller of any goods or service who meets all of the following requirements:

1. Has disseminated advertisement or promotional material in this state and received the advertisement or promotional material from a manufacturer, packer, distributor, or other seller from whom he has purchased the goods or services, unless the seller knew the advertisement or promotional material to be false or misleading; and

2. On the request of the Director, provides the name and address of the manufacturer, packer, distributor, or other seller from whom he has purchased the goods or service; and

3. Agrees in an assurance of voluntary compliance, as prescribed by the Act, to discontinue dissemination of such false and misleading material.

(e) Nothing in this Act shall apply to any person or activity which is subject to the provisions of the Alabama Insurance Code, viz: Act No. 407, H. 198, 1971 Regular Session (Acts of 1971, p. 707; now appearing in the Code of Alabama, Recompiled 1958, Title 28 A), as amended.

For purposes of this Section, the burden of proving exemption from the provisions of this Act shall be upon the person claiming the exemption.

#### Section 8. Private Actions.

(a) Any person who is injured in his business or property by reason of any act or practice declared unlawful by Section 6 of this Act:

1. May bring an action in an individual but not a representative capacity for damages authorized under said rules. If the judgement is for plaintiff, he shall be awarded the sum of two hundred dollars (\$200.00) or actual damages, whichever is greater, and reasonable attorney's fees together with the cost of suit. The court may, in its discretion, award treble damages upon a showing of willful or persistent violation.

2. May bring proceedings to enjoin the unlawful practices, and if the decree is for the plaintiff, he shall be awarded reasonable attorney's fees together with the cost of the suit.

Upon finding by the court that an action under subsection (a) was brought in bad faith, or for purposes of harassment, the court may award to the defendant reasonable attorney's fees and costs.

The remedies provided in this subsection are cumulative and may be sought in one action.

(b) Actions under this Section may be brought in the circuit court of the county in which the defendant resides, or has his principal place of business, or is doing business.

(c) Upon commencement of any action brought under subsection (a) of this Section, the clerk of the court shall mail a copy of the complaint or other initial pleading to the Director and, upon entry of any judgment or decree in the action, shall mail a copy of such judgment or decree to the Director.

#### Section 9. Penalties.

(a) Any person who knowingly violates any court order enjoining or restraining the continued violation of any of the provisions of Section 6 of this Act shall forfeit and pay a civil penalty of not more than ten thousand dollars (\$10,000.00) per violation and shall be adjudged in contempt. For the purposes of this Section, the circuit court of a county issuing an injunction or order shall retain jurisdiction, and the case shall be continued, and in such cases the District Attorney acting in the name of the State may petition for recovery of civil penalties.

(d) In any action brought under this Act, if the court finds that a person is willfully using or has willfully used a method, act, or practice declared unlawful by Section 6 of this Act, the District Attorney upon petition to the court, may recover a civil penalty of not exceeding two thousand dollars (\$2,000.00) per violation.

(c) For purposes of this Section, a willful violation occurs when the party committing the violation knew or should have known that his conduct was in violation of Section 6 of this Act.

After attorney's fees, one half of all fines, forfeitures, and other expenses collected under this Act shall be remitted by the circuit court to the State Treasurer and shall be credited to the account of the Office of Consumer Protection. For the purpose of administering this Act; these fines, forfeitures, and other expenses collected being disbursed to the Office of Consumer Protection and the same are hereby appropriated to the Office of Consumer Protection for that on a continuing basis.

Section 10. Statute of Limitations. No action may be brought under this Act more than one (1) year after the person bringing the action discovers

or should have discovered the conduct which is the subject of the action, but in no event shall an action under this Act be brought after three (3) years from the date of the consumer transaction giving rise to the claim for relief.

Section 11. Saving Clause. The provisions, remedies, and actions in this Act are cumulative, and in addition to those remedies and actions already provided for at Law and in Equity, and shall not be construed to repeal or supersede any laws not inconsistent herewith.

Section 12. Severability. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. Effective Date. This Act shall become effective February 1, 1979.

The Standing Committee on Judiciary then reported the following amendment to the substitute for the Bill, S. B. 36, to-wit:

#### COMMITTEE AMENDMENT TO THE SUBSTITUTE FOR S. B. 36

Amend the substitute for S. B. 36 by deleting on lines 36-37, page 6, and lines 5-6, page 7, the sentence, "If the judgment is for the plaintiff, he shall be awarded the sum of two hundred (\$200) or actual damages, whichever is greater, and reasonable attorney's fees together with the cost of suit", and substitute in lieu thereof, "If the judgment is for the plaintiff, he shall be awarded actual damages or, in the discretion of the court, minimum damages of two hundred dollars (\$200), and reasonable attorney's fees together with the cost of the suit."

On motion of Mr. Powell, further consideration of the Bill, S. B. 36, and pending substitute and amendment, was postponed temporarily.

The Bill:

S. 64. To define motorized bicycles, to prescribe the licensing procedure and allocation of license fees, to apply certain rules of the road and safety requirements and to require no insurance for the operation of such motorized bicycles.

was taken up.

Mr. Vacca offered the following amendment to the Bill, S. B. 64, to-wit:

#### AMENDMENT TO S. B. 64

Amend S. 64, page 3, lines 11 and 12 by striking out Section 7 entirely and by renumbering subsequent sections accordingly.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (S), Mims, Mitchell, Owen, Peden, Perloff, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca.

Nays:

—24

—0



And said Bill, S. B. 64, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Proctor, Roberts, St. John, Shelby, Teague, Vacca.

—25

*Nay:* Mr. Edwards.

—1

### MOTION TO INDEFINITELY POSTPONE

Mr. Baker moved that, upon adjournment today, further consideration of all Senate Bills remaining on the Calendar be indefinitely postponed, which motion was adopted.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 65. To amend Sections 31-1-1, 32-5-64, and 32-12-20, Code of Alabama 1975 so as to define a motorized bicycle and to provide that a motorized bicycle be treated as a separate and unique form of motor vehicle.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (S), Mims, Mitchell, Owen, Pearson, Perry, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—22

*Nay:* Mr. Edwards.

—1

The Bill:

S. 171. To amend § 32-6-1 of the Code of Alabama 1975, by requiring the director of public safety to mail a notice of expiration and application for renewal to each driver's licensee.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (S), McMillan, Mims,

Mitchell, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop.

—28

*Nays:*

—0

Mr. Ellis moved that the Senate reconsider the vote by which the Bill, S. B. 171, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Bill:

S. 558. To provide that any person who knowingly sends or causes to be sent, brings or causes to be brought, into this State for sale or distribution, any obscene work, or within this State, manufactures, prints, publishes, sells, distributes, or possesses with intent to sell or distribute, or displays publicly any obscene work, or who knowingly exhibits any obscene performance for monetary consideration shall be guilty of a misdemeanor and shall be punished as provided herein, to provide exemptions from prosecution under this Act, to provide for the extradition of persons charged with violations of this Act, to provide procedures for the issuance of search warrants for the seizure of allegedly obscene works, to provide procedures which comply with constitutional requirements for adversary hearing prior to trial on the question of the obscenity of works seized and to provide copies of works seized, to provide penalties for violation of Sections 2 or 3 of this Act, to provide for the forfeiture of works used in any violation of Sections 2 or 3 of this Act, to repeal Sections 6301, 6305, 6310, 6320, and 6322 of Act No. 607, Acts of Alabama, 1977 Regular Session, to provide for the severability of the parts of this Act, to provide an effective date, and to provide definitions for the provisions of this Act.

was taken up.

Mr. Jones offered the following amendment to the Bill, S. B. 558, to-wit:

#### AMENDMENT TO S. B. 558

On page 3 in section 1 on line 12 strike the words "clothed or"

On page 4 in section 1 on line 15 after the word "possession" insert the following:

of or title to

On page 4 in section 2 on line 25 strike subsection "(b)" in its entirety and insert the following:

(b) Within this state, to display publicly, sell, or distribute any obscene work, or to possess any obscene work with intent to exhibit it for monetary consideration, or to make, manufacture, print, prepare, publish, produce or possess any obscene work with intent to sell or distribute it.

Which was adopted.

Yeas 25; Nays 2.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin,

Higginbotham, Jones, Little, McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Vacca, Waldrop.

—25

*Nays:* Messrs. Clemon, Pearson.

—2

And said Bill, S. B. 558, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 2.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (S), Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop.

—28

*Nays:* Messrs. Clemon, Pearson.

—2

#### FURTHER CONSIDERATION OF S. B. 608

The Senate proceeded to further consideration of the Bill, S. B. 608, as amended.

The question was on the amendment offered by Mr. Edwards.

On motion of Mr. Edwards, said amendment was laid on the table.

Mr. Clemon offered the following substitute for the Bill, S. B. 608, as amended, to-wit:

#### SUBSTITUTE FOR S. B. 608, AS AMENDED

##### A BILL TO BE ENTITLED AN ACT

To remove all restrictions relating to Public Employees of any County or City in the State of Alabama, pertaining to his right to participate in certain political activities and allow public employees the right of free expression in public welfare.

Be It Enacted by the Legislature of Alabama:

Section 1. (A) No person in the employment of any city, whether classified or unclassified, shall be denied the right to participate in county and state political activities to the same extent as any other citizen of the State of Alabama, including endorsing candidates and contributing to campaigns of his choosing.

(B) No person in the employment of any county, whether classified or unclassified, shall be denied the right to participate in city and state political activities to the same extent as any other citizen of the State of Alabama, including endorsing candidates and contributing to campaigns of his choosing.

(C) All persons in the employment of any city or county shall have the right to join local political clubs and organizations, and state or national political parties.

(D) All persons in the employment of any city or county shall have the right to publicly support issues of public welfare, circulate petitions calling for or in support of referendums, and contribute freely to those of his choosing.

Section 2. No person shall attempt to use his official authority or position in the classified service for the purpose of influencing the vote or political action of any person.

Section 3. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McMillan, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Proctor, Roberts, Stewart, Teague, Vacca, Waldrop.

—26

*Nays:*

—0

Mr. Peden moved that the Senate reconsider the vote by which the substitute for the Bill, S. B. 608, was adopted.

On motion of Mr. Clemon, the motion to reconsider was laid on the table.

Yeas 13; Nays 7.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Fine, Goodwin, Jones, McMillan, Mitchell, Pearson, Perry, Proctor, Stewart.

—13

*Nays:*

Messrs. Baker, Ellis, Higginbotham, King, Little, Noonan, Teague.

—7

And said Bill, S. B. 608, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 3.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Jones, Little,

McDonald (A), McMillan, Mitchell, Pearson, Perloff, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Waldrop, Wilson.

—23

*Nays:* Messrs. Gilmore, Higginbotham, Noonan.

—3

#### FURTHER CONSIDERATION OF S. B. 685

The Senate proceeded to further consideration of the Bill, S. B. 685.

Mr. Bank offered the following amendment to the Bill, S. B. 685, to-wit:

#### AMENDMENT TO S. B. 685

Amend Senate Bill No. 685 Page 1 Line 34, by inserting after the word "shall" the following:

"have served as a reserve deputy sheriff for nine months, completed the two hundred forty hours of basic training,"

Which was adopted.

Yeas 29; Nays 1.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Noonan, Owen, Pearson, Peden, Perloff, Perry, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—29

*Nay:* Mr. Roberts.

—1

And said Bill, S. B. 685, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 32; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—32

*Nays:*

—0

#### FURTHER CONSIDERATION OF S. B. 358

The Senate proceeded to further consideration of the Bill, S. B. 358, as amended.

And said Bill, S. B. 358, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 4.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, St. John, Shelby.

—22

*Nays:* Messrs. Baker, Edwards, Jones, Perloff.

—4

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Greer, Hill and Coburn:

H. J. R. 610. HONORING MR. E. F. CAGLE UPON HIS RETIREMENT.

Also:

By Messrs. Plaster and Edwards:

H. J. R. 612. COMMENDING MR. HAROLD PATE OF BURKVILLE, ALABAMA, IMMEDIATE PAST PRESIDENT OF THE ALABAMA CATTLEMEN'S ASSOCIATION.

Also:

By Messrs. Turnham and Whatley:

H. J. R. 614. COMMENDING MISS CHERYL CLEMENTS FOR BEING CHOSEN ALABAMA TEXTILE QUEEN.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Peden, the Rules were suspended and the Resolution, H. J. R. 610, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Mitchell, the Rules were suspended and the Resolution, H. J. R. 612, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 614, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill and

Senate Joint Resolutions with the original Senate Bill and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 704. To allow those county employees who but for Section 3 of Act No. 176 of the 1959 Regular Session of the Alabama Legislature would have contributed to the Montgomery County Employees' Retirement System to pay the amount not deducted plus interest and thereby receive credit for membership in the Montgomery County Employees' Retirement System for the period of time when such monies were not contributed.

Also:

S. J. R. 21. TO DESIGNATE THE BIRMINGHAM FESTIVAL OF ARTS AS THE OFFICIAL STATE ARTS FESTIVAL.

Also:

S. J. R. 36. HONORING JAMES W. OAKLEY, SR., RECENTLY INDUCTED INTO THE ALABAMA NEWSPAPER HALL OF HONOR.

Also:

S. J. R. 38. NAMING A PORTION OF BIBB COUNTY ROAD NUMBER 12 IN COMMEMORATION OF SENATOR WALTER C. GIVHAN.

Also:

S. J. R. 330. AUTHORIZING OFFICIALS OF THE JOHN C. CALHOUN STATE COMMUNITY COLLEGE TO NAME A BUILDING IN COMMEMORATION OF E. M. "ED" FRAZIER.

Also:

S. J. R. 350. NAMING THE FORMER TUBERCULOSIS SANATORIUM IN FLINT CITY, NOW OWNED BY THE STATE DEPARTMENT OF MENTAL HEALTH, "THE E. M. 'ED' FRAZIER NORTH ALABAMA REGIONAL HOSPITAL."

Also:

S. J. R. 377. AMENDING S. J. R. 135 OF THE REGULAR SESSION OF 1971 (ACT NO. 2417, S. J. R. 135, PAGE 3848, ACTS OF 1971) WHICH ESTABLISHED THE "ARTS HALL OF FAME" IN THE BIRMINGHAM CIVIC CENTER SO AS TO CHANGE THE LOCATION OF SUCH "HALL" TO THE CAMPUS OF THE UNIVERSITY OF ALABAMA IN BIRMINGHAM, AND TO RESTRUCTURE AND ENLARGE THE MEMBERSHIP OF THE EXECUTIVE BOARD OF SUCH "HALL," AND TO ESTABLISH AN ADVISORY COMMITTEE.

Also:

S. J. R. 402. NAMING THE AUBURN UNION THE JAMES E. FOY UNION.

Also:

S. J. R. 412. NAMING DALLAS COUNTY HIGHWAY 38, "LURLEEN B. WALLACE DRIVE."

U. W. CLEMON,  
Chairman.

## SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

## BILLS ON THIRD READING RESUMED

The Bill:

S. 408. To make a supplemental appropriation from the Alabama special educational trust fund, for the fiscal year ending September 30, 1978, to the University of Alabama at Tuscaloosa for capital outlay purposes of constructing a building for the School of Mines.

was taken up.

Mr. Shelby offered the following substitute for the Bill, S. B. 408, to-wit:

## SUBSTITUTE FOR S. B. 408

A BILL  
TO BE ENTITLED  
AN ACT

To make a supplemental appropriation from the Alabama Special Educational Trust Fund, for the fiscal year ending September 30, 1978, to the University of Alabama at Tuscaloosa for capital outlay purposes to construct a building for the School of Mines.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated, in addition to all other appropriations heretofore or hereafter made to the University of Alabama at Tuscaloosa for the fiscal year ending September 30, 1978, the sum of five million dollars (\$5,000,000) from the Alabama Special Educational Trust Fund to the University of Alabama at Tuscaloosa for capital outlay purposes to construct a building for the School of Mines.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Proctor, Roberts, Shelby, Stewart, Wilson.

—26

*Nays:*

—0



Mr. Little offered the following amendment to the Bill, S. B. 408, as amended by the substitute, to-wit:

**AMENDMENT TO S. B. 408, AS AMENDED**

Amend Senate Bill No. 408 as substituted Page 1 Line 33, by striking out the period after the word Mines and add the following:

And there is hereby appropriated, in addition to all other appropriations heretofore or hereafter made to Auburn University at Auburn for the fiscal year ending September 30, 1978, the supplemental sum of five million dollars (\$5,000,000) from the Alabama Special Education Trust Fund to Auburn University at Auburn for capital outlay purposes, for construction, renovation and improvement of facilities.

On motion of Mr. Owen, further consideration of the Bill, S. B. 408, as amended, and pending amendment, was indefinitely postponed.

**RESOLUTION**

Messrs. King, Fine, Roberts, Edwards, McDonald (S), and Peden offered the following Senate Resolution, to-wit:

**S. R. 446. RECOMMENDING WILLIAM EARL RASCO TO BE APPOINTED TO THE BOARD OF DIRECTORS TO THE TENNESSEE VALLEY AUTHORITY.**

WHEREAS, the Honorable William Earl Rasco served effectively and constructively on the administrative staff of former United States Congressman Robert E. Jones of Alabama, and

WHEREAS, he presently serves as Administrative Assistant to the Honorable Ronald Flippo, United States Congressman from 5th District, State of Alabama, and

WHEREAS, the service of William Earl Rasco has included a liaison relationship with the United States House Public Works and Transportation Committee relating to legislation pertaining to the Tennessee Valley Authority, and

WHEREAS, William Earl Rasco was charged with the responsibility of preparation of materials relating to the Tennessee Valley Authority in hearings, reports, debates, and floor consideration of such legislation as the bonding bills of 1966, 1970, and 1975, and the environmental credits proposal of 1973-74, and

WHEREAS, additional responsibilities were faithfully charged in the service of William Earl Rasco as professional staff member of the Natural Resources and Power Subcommittee, House Government Operations Committee, including Civil Functions, Department of the Army, Forest Service, and federal power and power marketing agencies, and

WHEREAS, such service has provided William Earl Rasco with unique and significant insight and experience in the philosophy and operation of the Tennessee Valley Authority and related federal programs, and

WHEREAS, William Earl Rasco, a native of Alabama's Tennessee Valley, is under consideration for appointment to the Board of Directors of the Tennessee Valley Authority,

NOW THEREFORE BE IT RESOLVED, that the Senate of the State of Alabama, meeting in Montgomery, Alabama on the 12th day of April, 1978, does hereby acknowledge and commend the contributions of William Earl Rasco to the continued development of effective government service, and

BE IT FURTHER RESOLVED that William Earl Rasco be, and hereby is, recommended to the Honorable James Earl Carter, President of the United States, for appointment to the Board of Directors of the Tennessee Valley Authority, and

BE IT FURTHER RESOLVED That a copy of this resolution be sent to the Honorable William Earl Rasco, and spread upon the journal.

On motion of Mr. King, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Ford and Taylor (with notice and proof):

H. 1159. Relating to the City of Gadsden; providing for the fixing and payment of salaries of members of the board of commissioners.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1159, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. McMillan (with notice and proof):

H. 1148. Relating to Baldwin County; providing for the collection of a filing fee on instruments, documents and papers filed for records in the Probate Judge's offices.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1148, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. McMillan (with notice and proof):

H. 1149. To provide certain county salary supplements for all district judges serving within the Twenty-Eighth judicial circuit of this state and to provide for retroactive effect.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1149, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. McMillan (with notice and proof):

H. 1150. Relating to Baldwin County; to provide an additional expense allowance for the register of the Circuit Court.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1150, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Smith (J) (with notice and proof):

H. 1165. Providing for purging the lists of registered voters in Geneva County; requiring and prescribing the procedure for the purging and reidentification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the reidentification and purging of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1165, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Venable and Plaster (with notice and proof):

H. 1164. Relating to Elmore County; repealing Act No. 218 of the 1976 Regular Session (Acts 1976, Vol. I, p. 232) establishing a consolidated and unified system of assessment and collection of taxes by an elective county revenue commissioner, providing therefor and abolishing the offices of tax assessor and tax collector in Elmore County.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1164, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mrs. Quarles (with notice and proof):

H. 1156. Relating to St. Clair County, to authorize and direct the county governing body to distribute certain beer tax revenues collected pursuant to Act No. 515, H. 1028, 1969 Regular Session (Acts 1969, p. 985) to certain agencies and institutions within the county.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1156, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. McCorquodale (with notice and proof):

H. 793. Relating to Clarke County; to provide further for the compensation of election officials.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 793, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1159, 1148, 1149, 1150, 1165, 1164, 1156, and 793. To the Committee on Local Legislation No. 1.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Greer, Coburn, Biddle, Smith (B), Starkey, Killian, Ford, and Gregg:

H. J. R. 611. URGING THE WATER SAFETY PATROL DIVISION OF THE ALABAMA CONSERVATION DEPARTMENT TO CENTRALIZE THE ISSUANCE OF ALL BOAT REGISTRATIONS.

WHEREAS, it would be a great convenience to the public of the State of Alabama if the Water Safety Patrol Division of the Department of Conservation and Natural Resources would centralize the issuance of all boat registrations in the state; and

WHEREAS, this would cause a considerable savings of state monies and eliminate many errors that now come about because of the inefficiency of the present system; and

WHEREAS, the Water Safety Patrol Division of the Department of Conservation has the present capabilities of carrying out this centralized program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do urge the Water Safety Patrol Division of the Department of Conservation and Natural Resources to do all in their power to centralize the issuance of all boat registrations in this state from one central location in Montgomery.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 611, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Kelley, Drake, and Greer:

H. J. R. 608. ENDORSING WILLIAM EARL RASCO FOR APPOINTMENT TO THE TENNESSEE VALLEY AUTHORITY BOARD OF DIRECTORS.

WHEREAS, William Earl Rasco has been recommended to President Carter for appointment to the Tennessee Valley Authority Board of Directors by Congressman Harold T. Johnson; and

WHEREAS, William Earl Rasco is presently Administrative Assistant to a Congressman from the Tennessee Valley, Representative Ronnie G. Flippo of Florence, Alabama; and

WHEREAS, William Earl Rasco was the Legislative and Press Assistant to a former Congressman also from the Tennessee Valley, Representative Robert E. Jones; and

WHEREAS, William Earl Rasco was a professional staff member of the Natural Resources and Power Subcommittee of the House Government Operations Committee dealing with federal power and power marketing agencies; and

WHEREAS, his journalism experience includes serving as Acting Managing Editor of the Alabama Journal of Montgomery, Alabama; and

WHEREAS, William Earl Rasco was educated at the University of Alabama where he received a B.S. in Journalism; and

WHEREAS, while at the University of Alabama he was the editor of the Crimson and White student newspaper and also was the recipient of the Sigma Delta Chi Award as the male graduate in journalism who has been adjudged as most outstanding in scholarship, campus activities and professional aptitude in the field of professional journalism; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in view of his outstanding qualifications and experience, we most heartily endorse William Earl Rasco for appointment to the Tennessee Valley Authority Board of Directors.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to President Carter, Congressman Johnson and the members of the Alabama Delegation.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 608, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Armstrong (with notice and proof):

H. 1161. To provide that elected officials of the City of Bessemer who prior to their election had served in the classified Civil Service of Jefferson County, for the City of Bessemer, would be entitled to re-employment under the classified service at the expiration of their term of office.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1161, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Lee:

H. 561. To create the office of a clerk-receptionist in the office of the District Attorney of the Sixth Judicial Circuit and provide for the appointment, duties, and compensation of such clerk-receptionist.

Also:

By Mr. Lee:

H. 562. To create the office of Deputy District Attorney No. 7 of the Sixth Judicial Circuit and provide for the appointment, duties and compensation of such office.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 1161. To the Committee on Local Legislation No. 2.

H. B. 516 and 562. To the Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Gafford:

H. 123. To make an appropriation from the State treasury for the relief of J. W. Hunter.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 123. To the Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. McCluskey:

H. J. R. 27. NAMING THAT PORTION OF U. S. HIGHWAY 280 FROM THE NORTH BOUNDARY OF TALLADEGA COUNTY TO THE SOUTH BOUNDARY OF COOSA COUNTY, "THE JIM NABORS HIGHWAY."

WHEREAS, James Thurston Nabors is a native of Sylacauga, Talladega County, Alabama, born June 12, 1932, son of Fred Canada and Mavis Pearl Newman Nabors; and

WHEREAS, he was educated in the public schools of Sylacauga and graduated with a B. S. Degree from the University of Alabama where he was a member of Delta Tau Delta Fraternity; and

WHEREAS, Jim Nabors first appeared in 1962 as "Gomer Pyle" on the nationally televised "Andy Griffith Show" and as a result of his tremendous popularity and reception by the American public, starred in his own series, "Gomer Pyle, U.S.M.C." which even today is being shown and enjoyed on television stations from coast to coast; and

WHEREAS, for many years, Jim Nabors has continued to delight millions of fans throughout the world, not only as a versatile comedian, but also as an exceptionally talented singer and musician and, as such, is one of the most popular figures in the entertainment field today; and

WHEREAS, this body is indeed grateful and appreciative of the fame and honor Jim Nabors, our native son, has brought to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of U. S. Highway 280 from the north boundary of Talladega County, Alabama to the south boundary of Coosa County, Alabama, is hereby designated as, "The Jim Nabors Highway."

BE IT FURTHER RESOLVED, That the proper authorities are directed to cause appropriate signs and markers to be erected and maintained in designating said portion of U. S. Highway 280 as "The Jim Nabors Highway."

RESOLVED FURTHER, That a copy of this resolution be presented to Mr. Nabors that he may know of this designation effected in appreciation and as praise.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 27, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Manley and Pegues:

H. 1125. To amend Section 34-5-15, Code of Alabama 1975, which relates to the registration and licensing of barbers and barber apprentices in this state, so as to add Marengo County to the list of counties to which the state law does not apply.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1125. To the Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Clark and Robertson:

H. 1136. To amend the title and Section 1 of Act No. 187, H. 595 of the 1963 Regular Session so as to provide further for the expense allowance of members of the county governing body in all counties having populations of not less than 18,500 nor more than 20,500 according to the 1970 or any subsequent federal decennial census; giving this act retroactive effect.

Also:

By Messrs. Campbell and Manley (with notice and proof):

H. 1109. To amend Section 1 of Act No. 244, H. 599, 1951 Regular Session (Acts of 1951, p. 521), relating to Sumter County, so as to further provide for the amount paid annually by the county governing body to the county board of education.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1109, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.



Also:

By Messrs. McCluskey, Dial, Shoemaker and Moore (O) (with notice and proof):

H. 1100. Relating to Talladega County; to provide for the salary of the sheriff.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1100, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Moore (O):

H. 730. Relating to the eighteenth judicial circuit of Alabama; to amend Section 1 of Act No. 119, H. 52, 1975 Regular Session (Acts of 1975, p. 347), entitled "To provide an expense allowance to the official court reporter, for Circuit Judge Place, No. 1 of the eighteenth Judicial circuit of Alabama payable for the counties composing said circuit," so as to provide an expense allowance to the official court reporter for Circuit Place No. 2 of the eighteenth judicial circuit of Alabama.

Also:

By Mr. McCluskey (with notice and proof):

H. 1099. To provide for purging the lists of registered voters in Coosa County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars, judge of probate and the county governing body relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1099, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Kinsey (with notice and proof):

H. 185. Relating to Baldwin County; providing for the regulation of the construction of water wells within said county; providing for the licensing of water well drillers; providing for the promulgation and publication of rules and regulations to effectuate the provisions of this act; creating a board to be known as the Baldwin County Water Well Standards Board; providing for the qualification, appointment and removal of board members and the filling of vacancies and fixing their tenure of office; providing penalties for violation of this act; and repealing conflicting laws.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 185, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1136, 1109, 1100, 730, 1099, and 185. To the Committee Local Legislation No. 1.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 576. Relating to Marshall County; to provide for a cost of living salary increase for the employees of the sheriff's department retroactive to October 1, 1977; and to provide that the salaries of the employees of the sheriff's department shall in the future be set by the salary commission that sets the salaries of other county employees.

Also:

S. 94. Relating to Madison County, to authorize the County Commission to designate an official County Historian and appropriate an honorarium for same.

Also:

S. 93. To provide that the Madison County Commission may appoint an Awards Committee to make recommendations to said commission.

Also:

S. 497. Relating to DeKalb County; requiring the State Highway Director to pay out of the DeKalb County distributive share of the State Gasoline tax any judgment for damages and court costs rendered against Billy Ray Barksdale, individually, pursuant to a motor vehicle collision which occurred on or about March 14, 1975, in DeKalb County while he was performing his duties as a state highway department employee employed in DeKalb County.

Also:

S. 581. Relating to Morgan County; to provide for a temporary expense allowance for certain county officers elected to serve as revenue commissioner.

Also:

S. 582. Relating to Morgan County; to create and establish the office of license inspector in said county by providing for the appointment, term, duties, powers and compensation of said inspector.

Also:

S. 583. Relating to Morgan County; to provide for the compensation of the license commissioner in said county.

Also:

S. 613. Relating to Morgan County; to provide for the compensation of the revenue commission in said county.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Wyatt:

H. 44. To establish a pension fund for Alabama fire fighters to be known as the Alabama Fire Fighters Pension Fund; to prescribe conditions for joining, withdrawing from, and continuing membership in the fund; to regulate the payment of pensions and benefits from the fund; to provide for the management and administration of the fund by a board of trustees; to prescribe the membership of the board, to provide for the election and terms of office of members thereof, and prescribe their powers and duties; to establish the office of secretary-treasurer of such board, provide for his employment, his salary, and his bond; and for the purpose of financing the fund to levy and provide for the collection of an additional tax on all policies insuring against the perils of fire in fire protected areas, to fix membership dues, and authorize gifts, contributions and donations to the fund.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 44. To the Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Drake and Sonnier:

H. 480. To make an appropriation to the state board of social work examiners from the state board of social work examiners' fund which is on deposit in the state treasury, for purposes of salaries and other expenses.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 480. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 713. Relating to Calhoun County; to provide for the salaries of certain officials of the county to become effective upon the expiration of the present terms of office of the incumbent officeholders, and to provide an additional expense allowance for said officials which will terminate upon the expiration of their present term of office; and to provide further for the salaries of the License Commissioner and Coroner which shall be effective immediately.

And said bill as thus amended by the report of the Committee on Conference was again read at length and passed.

And said Bill, S. 713, together with the Conference Report, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. McMillan, Kinsey, and Biddle:

H. J. R. 615. VOICING THE ALABAMA LEGISLATURE'S STRENUOUS OPPOSITION TO NEW REGULATIONS OF THE FEDERAL BUREAU OF ALCOHOL, TOBACCO AND FIREARMS RELATING TO GUN CONTROL.

WHEREAS, if left unchallenged and unopposed, new regulations relating to gun control will go into effect May 21, 1978 with the Federal Bureau of Alcohol, Tobacco and Firearms acting on its own authority under preposterous interpretations of the Gun Control Act of 1968; and

WHEREAS, the B.A.T.F. will soon begin to assemble records enabling the bureau to identify, as to ownership, every dealer-purchased firearm in the United States with dealers required to furnish, quarterly, the names and addresses of all persons purchasing firearms through their dealerships; and

WHEREAS, information garnered from gun-dealer records, computerized for instant availability to the B.A.T.F., is a "records grab" which is tantamount to opening the door for a national gun-confiscation program; and

WHEREAS, the new regulations are based on a gun-grab project called Operation Cue designed to show that crime reduction is a direct result of stringent and intensive gun regulation enforcement; results indicated, however, more crime in these selected target cities than in other comparable locations; and

WHEREAS, President Carter and his administration are avowed advocates of gun regulation and control and these newly proposed regulations amount to nothing more than an attempt to legislate through administrative act rather than by law; and

WHEREAS, further, such monitoring of millions of firearm transactions annually might well cost the taxpayers of this country in excess of some \$50 million dollars, money far better spent on sentencing and jailing criminals who commit armed felonies; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, in firm belief of our citizens' constitutional rights to be secure in their homes, this body hereby voices its diametric opposition to gun-grab regulations which could only lead to an ultimate national gun confiscation program on the part of the federal government.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to President Carter, to the Director of the national Bureau of Alcohol, Tobacco and Firearms, and to each member of the Alabama Congressional Delegation in Washington, D.C.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 615, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Crowe:

H. J. R. 561. CONGRATULATING MR. AND MRS. CHELSEA HALBROOK ON THEIR 55TH WEDDING ANNIVERSARY.

Also:

By Mr. Crowe:

H. J. R. 562. CONGRATULATING MR. AND MRS. AUTHUR DUNCAN ON THEIR SILVER WEDDING ANNIVERSARY.

Also:

By Mr. Crowe:

H. J. R. 563. CONGRATULATING MR. AND MRS. EARL RICHARDSON ON THEIR GOLDEN WEDDING ANNIVERSARY.

Also:

By Mr. Crowe:

H. J. R. 564. CONGRATULATING MR. AND MRS. ROBERT MORROW ON THEIR GOLDEN WEDDING ANNIVERSARY.

Also:

By Mr. Crowe:

H. J. R. 565. CONGRATULATING MISS BONNIE PLYLER ON BEING NAMED "WOMAN OF ACHIEVEMENT."

Also:

By Mr. Crowe:

H. J. R. 566. MOURNING THE DEATH OF SYLVESTER CRITTENDEN.

Also:

By Mr. Crowe:

H. J. R. 567. CONGRATULATING THE REVEREND AND MRS. WILL LOVE.

Also:

By Mr. Crowe:

H. J. R. 568. MOURNING THE DEATH OF MRS. WILLIE BOWENS.

Also:

By Mr. Crowe:

H. J. R. 569. HONORING MRS. RACHEL SMITH OF WALKER COUNTY, ALABAMA, UPON HER RETIREMENT.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolutions, H. J. R.'s 561, 562, 563, 564, 565, 566, 567, 568, and 569, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### REPORTS OF COMMITTEES RESUMED

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Naramore (With Amendment):

H. 150. To amend the act proposed by H. B. 1134 of the 1977 Regular Session, which is entitled "An Act To provide for a pay increase for sworn law enforcement officers with full peace officer authority in the service of the state, and to appropriate necessary funds," so as to add certain other sworn law enforcement officers to the list whose compensation will be increased.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Moore (O), Waggoner and Dial:

H. 575. Relating to the eighteenth judicial circuit; providing for an additional circuit court judge in such circuit and prescribing the duties, authority, and compensation of such judge.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Moore (W), et al (With Substitute):

H. 608. To authorize Alabama Building Finance Authority to sell and issue not exceeding \$18,000,000 principal amount of bonds for the purpose of constructing public office building facilities and altering, constructing additions to, and improving and renovating certain existing public office building facilities, and removing existing structures, and for the procurement of sites and equipment for such facilities or additions thereto, and for the construction of parking facilities; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and the recording thereof and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the Authority and shall not create obligations or debts of the state; to provide that any bonds issued by the Authority may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to provide for the construction of public office building facilities, the alteration, construction of additions to, and improvement and renovation of certain existing public office building facilities and for the equipment of such facilities or additions thereto by the Authority; to authorize the removal of existing structures and the construction of parking facilities; to authorize the conveyance to the Authority of lands owned by the state; to authorize the purchase of certain real property for such purposes; to create a reserve fund for the benefit of the bonds of the Authority; to authorize the Authority to pledge such revenues from its facilities (when and as such revenues become available to the Authority) which may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of the bonds and the creation of the pledge as a lien on the revenues, which filing will constitute constructive notice; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the lease to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States, counties, municipal corporations, other public bodies, and private persons, firms, corporations or associations, of space for occupancy in said facilities or additions thereto; to amend Section 25 of Act No. 658 enacted at the 1961 Regular Session of the Legislature of Alabama; to amend Section 18 of Act No. 205 enacted at the 1955 Regular Session of the Legislature of Alabama; and to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill

By Messrs. Merrill, Dial, Holmes (D), Shelton and Quarles (with notice and proof):

H. 883. Relating to Cleburne County; providing for the appointment of a part-time district attorney for such county; prescribing his qualifications; providing for his powers and duties; providing for payment of his compensation; giving this act retroactive effect; and providing for the nullity of this act at such time as general legislation providing funding for this position is enacted.

By Messrs. Robertson, Crowe, Johnson, Clark and Owens:

H. 891. To name that portion of Alabama Highway 69 from Tuscaloosa, Tuscaloosa County, Alabama, to Greensboro in Hale County, Alabama, the "Victor Poole Highway."

By Messrs. Williams and Sasser:

H. 1024. To name the Allied Building at George C. Wallace State Community College after Mrs. Nell Espy Gary.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Kinsey:

H. 772. Relating to application for certificate of qualification; fee; rules and regulations for chiropractors.

Also:

By Mr. Kinsey:

H. 773. Relating to refusal, revocation or suspension or chiropractors-effect of failure of party charged to appear at hearing; appeals.

Also:

By Mr. Kinsey:

H. 774. Relating to annual renewal of certificate; disposition of funds, revocation of license for failure to renew; rules and regulations for chiropractors.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 772, 773, and 774. To the Committee on Finance and Taxation.



## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Robertson:

H. 506. To provide twenty dollars per month for each retired educator to be used for hospital-medical insurance; to appropriate \$3,600,000 from the Alabama Special Educational Trust Fund; to provide for the system of payment.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 506. To the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Biddle (with notice and proof):

H. 717. To prohibit the sale, the offering for sale or the use of steel leg-hold traps designed for capturing wild animals in any county having a population of not less than 600,000 inhabitants according to the 1970 or any subsequent federal decennial census; and to prescribe penalties for violations.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 717, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 717. To the Committee on Local Legislation No. 2.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Gafford (with notice and proof):

H. 1157. To further amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama of 1951, pp. 1579 et seq.), as heretofore amended, which said Act, as heretofore amended, is entitled "An Act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system; to make the provisions of such system applicable on and after September 1, 1969, to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and to provide membership in the system for certain employees of a Civic Center Authority in any county in which any such city may be located."

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1157, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1157. To the Committee on Local Legislation No. 2.

#### CALENDAR BILLS INDEFINITELY POSTPONED

In accordance with the motion of Mr. Baker heretofore adopted, all Senate bills remaining on the Calendar were indefinitely postponed by the Senate.

#### ADJOURNMENT

At 4:45 P.M., Mr. Peden moved that the Senate adjourn until Thursday, April 13, 1978, at 9 o'clock A.M.

Mr. Shelby offered a substitute motion that the Senate adjourn until Thursday at 12 o'clock Noon, which motion was adopted, and at 4:47 P.M., in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Thursday, April 13, 1978, at 12 o'clock Noon.

Yeas 20; Nays 8.

Yeas:

Messrs. Adams, Clemon, Edwards, Fine, Foshee, Gilmore, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Peden, Perloff, Proctor, Shelby, Wilson.

*Nays:*

Messrs. Bank, Ellis, Goodwin, Higginbotham, Perry, St. John, Vacca, Waldrop.

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TWENTY-NINTH LEGISLATIVE DAY

THURSDAY, APRIL 13, 1978

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAAYER

The Session was opened with prayer by the Reverend Cecil E. Bradley, Pastor, Saint James United Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—35

JOURNAL

On moion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-eighth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

U. W. CLEMON,  
Chairman.

COMMITTEE REPORT

On motion of Mr. Clemon, the foregoing report was concurred in and the Journal of the Senate for the Twenty-eighth Legislative Day was approved by the Senate.

BILLS RE-REFERRED

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following Bills,

H. B.'s 135, 327, 351, and 352, and ordered same returned to the Senate with the recommendation that they be re-referred to another Committee.

And the President and Presiding Officer of the Senate ordered said Bills, H. B.'s 135, 327, 351, and 352, re-referred to the Standing Committee on Rules.

### RESOLUTIONS

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 447. The following bills shall be the sole, paramount and continuing order of business for the 29th legislative day only, taking precedence thereafter over all other business for said day:

All uncontested local bills

H. B. 883. Assistant District Attorney

H. B. 87. Motor Vehicle License Fee

H. B. 152. Movie bidding

H. B. 143. School Administrators

H. B. 11. Child Pornography

H. B. 150. Law Enforcement

H. B. 13. Real Estate

H. B. 818. Industrial Parks

H. B. 137. Libraries

H. B. 245. SETF Budget

H. B. 442. Walker College

H. B. 249. Marion Institute

H. B. 451. Talladega College

H. B. 452. Tuskegee Institute

H. B. 486. Lyman Ward

H. B. 134. Fair Trial Tax

H. B. 308. Jury Service

H. B. 342. Bank Consolidation Statement

H. B. 173. Absentee Voting

H. B. 332. Highway

H. B. 333. Highway

H. B. 334. Highway

H. B. 335. Highway

H. B. 336. Highway

H. B. 443. Feed Bill

- H. B. 375. Rabbit Inspection
- H. B. 217. Jurors' Expense
- H. B. 841. Building Authority
- H. B. 1024. Names Building
- H. B. 128. LEPA
- H. B. 711.

On motion of Mr. Clemon, said Resolution was adopted by the Senate.

Mr. Mitchell offered the following Senate Joint Resolution, to-wit:

**S. J. R. 448. COMMENDING BRANTLEY HIGH SCHOOL FOR ITS ATHLETIC AND SCHOLASTIC ENDEAVORS.**

WHEREAS, the Brantley High School football team has won 29 games and only lost one game during the last three regular football seasons; and

WHEREAS, the Brantley High School football team is currently the holder of a 28 game winning streak in regular football season play; and

WHEREAS, the Brantley High School football team has attended the State Class A play-offs for three out of the last four years; and

WHEREAS, the Brantley High School basketball team during the last season compiled 20 wins and nine losses and competed in the State Class A play-offs for basketball; and

WHEREAS, Brantley High School is also noted for its scholastic endeavors in addition to its athletic achievements; and

WHEREAS, the Brantley High School math and english teams have both placed first in county academic tournaments and have further received honors in competition at Lurleen B. Wallace Junior College; and

WHEREAS, the students and faculty at Brantley High School are due much credit for their athletic and scholastic skills; and

WHEREAS, the spirit of the students of Brantley High School is reflective of their parents, the faculty and the community; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we do most heartily commend the students and faculty of Brantley High School for its athletic and scholastic achievements.

**BE IT FURTHER RESOLVED,** That copies of this resolution be sent to the principal, Kenneth Deavers, the football coach, Mike Sasser and the basketball coach, Bernard Sullivan, that the students and faculty may be appraised of this resolution.

On motion of Mr. Mitchell, the Rules were suspended and the Resolution was adopted by the Senate.

## REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills

and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Drake and Sonnier:

H. 480. To make an appropriation to the state board of social work examiners from the state board of social work examiners' fund which is on deposit in the state treasury, for purposes of salaries and other expenses.

By Mr. Kinsey:

H. 772. Relating to application for certificate of qualification; fee; rules and regulations for chiropractors.

By Mr. Kinsey:

H. 773. Relating to refusal, revocation or suspension of chiropractors-effect of failure of party charged to appear at hearing; appeals.

By Mr. Kinsey:

H. 774. Relating to annual renewal of certificate; disposition of funds, revocation of license for failure to renew; rules and regulations for chiropractors.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Merrill and Robertson:

H. 171. To provide salary increases for certain State Employees and to appropriate funds therefor.

By Messrs. Killian and Lutz:

H. 484. To provide that where certain land without access to a public sewer system is subdivided into lots of not less than 3 acres in size, it shall not be subject to the subdivision criteria and the rules and regulations imposed by the State Board of Health upon development if the lots are subject to certain plat restrictions recorded in the County Probate Office.

By Mr. Drake:

H. 795. To amend Section 6-5-127 of the Code of Alabama 1975, relating to circumstances under which manufacturing and industrial plants or establishments are not deemed nuisances after operating for one year, so as to include agricultural plants and facilities when such businesses come within the same circumstances.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Ford, Towns, Rich and Taylor (with notice and proof) (With Amendment):

H. 719. Relating to Rainbow City in Etowah County; to provide for a special election of the electors of Rainbow City on the issue of whether or not

the people of Rainbow City want to create a separate municipal school board in Rainbow City; to provide for the termination of any municipal school system for Rainbow City in the event the voters vote to stay within the county system; and to provide for the creation of a municipal school system, in accordance with existing laws, for Rainbow City if the electors vote in favor of creating such a municipal school system.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Turnham:

H. 925. To provide for a county salary supplement for the District Attorney of the 37th Judicial Circuit and to provide for the payment of such supplement out of county general funds.

By Messrs. Moore (O), Waggoner and Smith (C) (with notice and proof):

H. 786. Relating to Shelby County; providing for the temporary detention, care and handling of mentally ill persons, pending any formal commitment proceedings for the purpose of determining whether such persons should be committed to the Alabama state hospitals.

By Mr. Robertson (with notice and proof):

H. 788. Relating to county health officers or administrators in Tuscaloosa County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

By Mr. McCorquodale (with notice and proof):

H. 793. Relating to Clarke County; to provide further for the compensation of election officials.

By Mr. Smith (J) (with notice and proof):

H. 1165. Providing for purging the lists of registered voters in Geneva County; requiring and prescribing the procedure for the purging and reidentification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the reidentification and purging of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

By Messrs. Shelton and Quarles (with notice and proof):

H. 961. Relating to Calhoun County; to amend Section 1 of Act No. 425, H. 997, Regular Session 1975 (Acts of 1975, p. 1020), relating to the Industrial Development Authority for Calhoun County, so as to increase the membership of the Authority to 28 members and to provide that members of the Calhoun County legislative delegation need not reside in Calhoun County in order to qualify to be an Authority member.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with Substitute, and it was read a second time and placed on the calendar to-wit:

By Mr. Shelton (with notice and proof) (With Substitute):

H. 1139. Relating to the city of Jacksonville in Calhoun County; to provide for the election by popular vote of members of the city board of

education, to prescribe their terms, qualifications and compensation, and to abolish the existing board of education in such city.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mrs. Quarles (with notice and proof) (With Amendment):

H. 1087. Relating to St. Clair County; to require the county governing body of said county to provide for a civil service merit system for employees of the sheriff's office in said county.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Shelton and Quarles (with notice and proof):

H. 964. Relating to Calhoun County; to amend Section 3 of Act No. 274, H. 990, Regular Session 1975 (Acts of 1975, p. 809), relating to the civil service system of Calhoun County, so as to provide that members of the Calhoun County Civil Service Board shall be appointed by all the members of the Calhoun County legislative delegation.

By Mr. McCluskey (with notice and proof):

H. 1099. To provide for purging the lists of registered voters in Coosa County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars, judge of probate and the county governing body relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

By Messrs. Campbell and Manley (with notice and proof):

H. 1109. To amend Section 1 of Act No. 244, H. 599, 1951 Regular Session (Acts of 1951, p. 521), relating to Sumter County, so as to further provide for the amount paid annually by the county governing body to the county board of education.

By Messrs. Merrill, Holmes (D) and Quarles (with notice and proof):

H. 1121. To amend further Act No. 592, S. 456, Regular Session 1953 (Acts 1953, p. 838), which act establishes a civil service system for employees of the City of Anniston, Alabama in Calhoun County, so as to provide further for certain expenditures of the civil service board created by said act.

By Messrs. Merrill, Holmes (D) and Quarles (with notice and proof):

H. 1122. Relating to the City of Anniston, Alabama; authorizing the City of Anniston, Alabama, at the sole discretion of the City Council of said City, to appropriate funds each fiscal year to pay not to exceed fifty percent (50%) of the costs of the Calhoun County District Court, Juvenile Division.

By Mr. Waggoner (with notice and proof):

H. 1135. Relating to Shelby County; authorizing any bank situated within the County to open, establish, operate and maintain branch banks, branch offices or other places of business within the limits of said county.



By Mr. Shelton (with notice and proof):

H. 1138. To further amend Section 5 of Act No. 2182, H. 2753 Regular Session 1971 (Acts 1971, p. 3489) entitled "An Act To provide for the City of Jacksonville in Calhoun County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws, so as to increase the pay of members of the Board and to increase the authorized expenditure of the municipality for the operation of the board, and further limit the officers and employees to which the act shall not apply," so as to provide staggered terms for members of the board.

By Mr. Kinsey (with notice and proof):

H. 185. Relating to Baldwin County; providing for the regulation of the construction of water wells within said county; providing for the licensing of water well drillers; providing for the promulgation and publication of rules and regulations to effectuate the provisions of this act; creating a board to be known as the Baldwin County Water Well Standards Board; providing for the qualification, appointment and removal of board members and the filling of vacancies and fixing their tenure of office; providing penalties for violation of this act; and repealing conflicting laws.

By Mr. McMillan (with notice and proof):

H. 1150. Relating to Baldwin County; to provide an additional expense allowance for the register of the Circuit Court.

By Mr. McMillan (with notice and proof):

H. 1149. To provide certain county salary supplements for all district judges serving within the Twenty-Eighth judicial circuit of this state and to provide for retroactive effect.

By Mr. McMillan (with notice and proof):

H. 1148. Relating to Baldwin County; providing for the collection of a filing fee on instruments, documents and papers filed for records in the Probate Judge's office.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gafford, et al (with notice and proof):

H. 756. To amend Act No. 556 of the Regular Session of the Legislature of Alabama of 1959, approved November 19, 1959 (Ala. Acts, 1959, p. 1376), as heretofore amended, which Act established a supplemental pension and relief or retirement system for firemen and policemen who are members of any pension and relief system established under Act No. 929 of the Regular Session of the Legislature of Alabama of 1951 (Ala. Acts, 1951, p. 1579).

By Mr. Gafford (with notice and proof):

H. 1157. To further amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama of 1951, pp. 1579 et seq.), as heretofore amended, which said Act, as heretofore amended, is entitled "An Act to create or provide in or for each

and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system; to make the provisions of such system applicable on and after September 1, 1969, to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and to provide membership in the system for certain employees of a Civic Center Authority in any county in which any such city may be located."

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gafford:

H. 123. To make an appropriation from the state treasury for the relief of J. W. Hunter.

By Messrs. Hill, Greer, Coburn and Goodwin:

H. 327. To amend Section 32-6-3 of the Code of Alabama 1975 relating to examinations prior to application for the license or renewal of a driver's license so as to provide that the director of public safety may designate counties where persons may be examined.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Venable and Plaster (with notice and proof):

H. 1164. Relating to Elmore County; repealing Act No. 218 of the 1976 Regular Session (Acts 1976, Vol. I, p. 232) establishing a consolidated and unified system of assessment and collection of taxes by an elective county revenue commissioner, providing therefor and abolishing the offices of tax assessor and tax collector in Elmore County.

By Messrs. Ford and Taylor (with notice and proof):

H. 1159. Relating to the City of Gadsden; providing for the fixing and payment of salaries of members of the board of commissioners.

By. Mrs. Quarles (with notice and proof):

H. 1156. Relating to St. Clair County, to authorize and direct the county governing body to distribute certain beer tax revenues collected pursuant to Act No. 515, H. 1028, 1969 Regular Session (Acts 1969, p. 985) to certain agencies and institutions within the county.

By Messrs. Carothers and Crawford (with notice and proof):

H. 1114. To provide further for the regulation of the sale of alcoholic beverages in Houston County, Alabama; to authorize the City of Dothan in

said county to further license, regulate and control the sale of certain alcoholic beverages within the corporate limits and the police jurisdiction thereof with a city license parallel to the state license for such privilege.

By Mr. Kinsey (with notice and proof):

H. 1102. Relating to Baldwin County; to provide for the compensation and allowances of the directors of certain utility boards heretofore or hereafter established in the county; and to make the provisions of this Act retroactive to January 1, 1978.

By Messrs. McCluskey, Dial, Shoemaker and Moore (O) (with notice and proof):

H. 1100. Relating to Talladega County; to provide for the salary of the sheriff.

By Mr. Callahan (with notice and proof):

H. 1063. To amend Sections 3, 12, 14 and 15, and add Section 28, of Act No. 243 H. 278, first Special Session 1964, as amended, which establishes the pension and relief system for policemen and firemen of the City of Mobile, by changing the amounts of contributions of the members and of the City, and by providing that the City may fix, in its discretion, such part of the assessment of costs of court in connection with prosecutions for violations of municipal ordinances to be credited to said pension and relief fund; to amend further said Act No. 243; to provide for an adjustment in retirement benefits to persons retiring after the effective date of this Act; and to provide for an adjustment in benefits to persons temporarily totally disabled.

By Mr. McCulley (with notice and proof):

H. 1010. To prescribe that in Washington County all county revenues from ad valorem taxes collected pursuant to the reappraisal values, based on Amendment No. 325 to the Constitution of 1901 and related legislation to the amendment, in excess of such county ad valorem taxed collected on appraisal values in effect before the ratification of said Amendment No. 325 to the Constitution of 1901 and the enactment of related legislation to the amendment, and not otherwise encumbered before the passage of this act or not constitutionally prohibited, shall be placed in the county road fund of Washington County and expended for the construction, repair and maintenance of county roads and bridges.

By Mr. Moore (O):

H. 730. Relating to the eighteenth judicial circuit of Alabama; to amend Section 1 of Act No. 119, H. 52, 1975 Regular Session (Acts of 1975, p. 347), entitled "To provide an expense allowance to the official court reporter, for Circuit Judge Place No. 1 of the eighteenth judicial circuit of Alabama payable by the counties composing said circuit," so as to provide an expense allowance to the official court reporter for Circuit Place No. 2 of the eighteenth judicial circuit of Alabama.

By Messrs. Merrill, Holmes (D), Shelton and Quarles:

H. 712. Proposing an amendment to the Constitution of Alabama which grants certain powers and authorities to the governing body of Calhoun County and to the governing bodies of municipalities of Calhoun County relating to economic and industrial development.

The above Bill was read a second time at length as required by the Constitution.

By Mr. McCulley (with notice and proof):

H. 432. Relating to Washington County; to create and establish the Washington County Personnel Board; to prescribe the duties, terms and compensation of the members of said board and to require such board to establish a county-wide personnel and merit system under the supervision of the State Personnel Department with any costs thereof to be paid from any funds available in the county treasury.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and place on the calendar, to-wit:

By Mr. Lee:

H. 561. To create the office of a clerk-receptionist in the office of the District Attorney of the Sixth Judicial Circuit and provide for the appointment, duties, and compensation of such clerk-receptionist.

By Mr. Lee:

H. 562. To create the office of Deputy District Attorney No. 7 of the Sixth Judicial Circuit and provide for the appointment, duties and compensation of such office.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Clark and Manley (with notice and proof):

H. 1075. Relating to Greene County; providing for an expense allowance for the chairman and for associate members of the county governing body, and providing retroactive effect for the allowances for the associate members.

By Messrs. Clark and Robertson:

H. 1136. To amend the title and Section 1 of Act No. 187, H. 595 of the 1963 Regular Session so as to provide further for the expense allowance of the members of the county governing body in all counties having populations of not less than 18,500 nor more than 20,500 according to the 1970 or any subsequent federal decennial census; giving this act retroactive effect.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Baker, et al (With Substitute):

H. 435. To amend Section 32-6-130, Code of Alabama 1975 which provides for the issuance of special license plates by the Probate Judge of the County to disabled veterans so as to include veterans whose disability exceeds 50% and to increase the cost of such tags from one dollar to five dollars.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kelley:

H. 1034. To further authorize and empower the Department of Pensions and Security to operate child support programs, locate absent parents, establish paternity, enforce child support obligations, to collect and distribute support payments, and to conform with certain provisions of the Social Security Act, as amended, in order to obtain maximum benefits under the Social Security Act, as amended; and to prescribe penalties.

By Messrs. Smith (M), Dial, Morris and Turnham:

H. 351. To name the science-fine arts building at Southern Union State Junior College in honor of A. R. Van Cleave.

By Messrs. Roberts, Martin and Sonnier:

H. 135. To name the new gymnasium at Falkville High School, Falkville, Morgan County, Alabama, "The Tom Drake Gymnasium."

By Messrs. Smith (M), Dial, Morris and Turnham:

H. 352. To name the auditorium at Southern Union State Junior College in Wadley, Randolph County, Alabama, "The Tom Brazel Auditorium."

By Mr. Falkenburg:

H. 652. To amend the preamble, Sections 2-e, 2-f, 3, 5, 7, and 9 of Act No. 1197, Regular Session 1975, which act relates to the public health and which may be referred to as the State Health Planning and Development Act of 1975, so as to bring that act into conformity with Public Law 93-641, "The National Health Planning and Resources Development Act of 1974."

By Messrs. Pegues, White, Falkenburg, Killian and Campbell:

H. 274. To permit Medical Services Administration of Alabama, the single State agency charged with responsibility for administering the Alabama Medicaid Program, to contract with fiscal intermediaries for the Medicaid Program for a period not to exceed three years, to require such contracts to comply in all other respects with the Alabama competitive bid law, and to repeal all statutes in conflict therewith.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 93. To provide that the Madison County Commission may appoint an Awards Committee to make recommendations to said commission.

Also:

S. 94. Relating to Madison County, to authorize the County Commission to designate an official County Historian and appropriate an honorarium for same.

Also:

S. 497. Relating to DeKalb County; requiring the State Highway Director to pay out of the DeKalb County distributive share of the State Gasoline tax any judgment for damages and court costs rendered against Billy Ray Barksdale, individually, pursuant to a motor vehicle collision which occurred on or about March 14, 1975, in DeKalb County while he was performing his duties as a state highway department employee employed in DeKalb County.

Also:

S. 576. Relating to Marshall County; to provide for a cost of living salary increase for the employees of the sheriff's department retroactive to October 1, 1977; and to provide that the salaries of the employees of the sheriff's department shall in the future be set by the salary commission that sets the salaries of other county employees.

Also:

S. 581. Relating to Morgan County; to provide for a temporary expense allowance for certain county officers elected to serve as revenue commissioner.

Also:

S. 582. Relating to Morgan County; to create and establish the office of license inspector in said county by providing for the appointment, term, duties, powers and compensation of said inspector.

Also:

S. 583. Relating to Morgan County; to provide for the compensation of the license commissioner in said county.

Also:

S. 613. Relating to Morgan County; to provide for the compensation of the revenue commission in said county.

Also:

S. 713. Relating to Calhoun County; to provide for the salaries of certain officials of the county to become effective upon the expiration of the present terms of office of the incumbent officeholders, and to provide an additional expense allowance for said officials which will terminate upon the expiration of their present term of office; and to provide further for the salaries of the License Commissioner and Coroner which shall be effective immediately.

U. W. CLEMON,  
Chairman.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been

publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

### SPECIAL ORDER BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first item of which was the Bill:

S. 756. To amend Section 19 of Act No. 248 of the Regular Session of the Legislature of 1945 (General Acts of Alabama 1945, p. 376, et seq.), to provide for the rate at which Merit System Employees shall earn annual vacation and to provide for the rate at which Merit System Employees shall earn sick leave and to also provide for the payment of earned sick leave at retirement or termination.

The Standing Committee on Local Legislation No. 2 reported the following amendment to the Bill, S. B. 756, to-wit:

#### AMENDMENT TO S. B. 756

In Section 1, page 3, lines 5 and 8, delete the word "shall" and substitute therefor the word:

may

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Gilmore, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mitchell, Noonan, Pearson, Peden, Perloff, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

And said Bill, S. B. 756, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Gilmore, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mitchell, Noonan, Pearson, Peden, Perloff, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 631. To fix the compensation or salary of the Assistant or the Deputy Tax Collector of any branch of the Tax Collector in any county having

a population of 600,000 or more according to the last Federal Census or any subsequent Federal Census, and to provide for the payment thereof.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following amendment to the Bill, H. B. 631, to-wit:

SENATE LOCAL LEGISLATION NO.2  
AMENDMENT TO H. B. 631

Amend Section 3 by adding at the end of Section 3 the following words and figures:

"But in no event before October 1, 1979."

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Gilmore, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mitchell, Noonam, Pearson, Peden, Perloff, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 631, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Gilmore, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mitchell, Noonan, Pearson, Peden, Perloff, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 633. To fix the compensation or salary of the Assistant or the Deputy Tax Assessor of any branch of the Tax Assessor in any county having a population of 600,000 or more according to the last Federal Census or any subsequent Federal Census, and to provide for the payment thereof.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following amendment to the Bill, H. B. 633, to wit:

SENATE LOCAL LEGISLATION NO. 2  
AMENDMENT TO H. B. 633

Amend Section 3 by adding at the end of Section 3 the following words and figures:



"But in no event before October 1, 1979."

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Gilmore, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mitchell, Noonan, Pearson, Peden, Perloff, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 633, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Gilmore, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mitchell, Noonan, Pearson, Peden, Perloff, Perry, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 923. To amend Section 1 of Act No. 458, H. 1175, Regular Session 1975 (Acts of Alabama 1975, p. 1085) relating to the election of certain assistant county officials of Jefferson County to serve in the branch offices in the City of Bessemer so as to provide that the term of the Assistant Tax Assessor and Assistant Tax Collector shall be concurrent with the Tax Assessor and Tax Collector of the County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Gilmore, Higginbotham, Jones, King, Little McDonald (A), McMillan, Mitchell, Noonan, Pearson, Peden, Perloff, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca and Wilson.

—25

*Nays:*

—0

The Bill:

H. 1025. Relating to Jefferson County; authorizing all incorporated municipalities within said county to grant certain municipal ad valorem tax exemptions for up to fifteen years to owner-developers who build new commercial or industrial facilities on previously improved real property within

the corporate limits of any such municipality located in said county; providing that such owner-developers receiving such exemptions shall, however, pay abatement property taxes assessed on not less than the highest value at which said property was assessed at anytime within five years prior to the grant of exemptions, and to provide for the procedures to be followed in the granting of such exemptions and in the determination of the amount of such abatement property taxes.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Gilmore, Higginbotham, Jones, King, Little, McDonald (A), McMillan Mitchell, Noonan, Pearson, Peden, Perloff, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 783. To provide further for the salary of the Sheriff of Bullock County.

Was read third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1028. To alter or rearrange the boundary lines of the Town of Southside, Etowah County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Etowah County, Alabama.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 1028, to-wit:

#### SENATE LOCAL LEGISLATION NO.1 COMMITTEE AMENDMENT TO H. B. 1028

Amend H. B. 1028 on page 2, Section 1, line 13 by striking the word Southwest and inserting in lieu thereof, the word Southeast.

Further amend by striking in Section 1, page 2 on line 32 the following: R-5-E and inserting in lieu thereof, R-6-E.

Further amend by striking the word properly on page 3, Section 1, line 18 and inserting in lieu thereof the word property.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, McDonald (S), Mims, Noonan, Owen, Pearson, Peden, Perry Powell, Proctor, St. John, Shelby, Stewart, Teague, Waldrop.

—25

*Nays:*

—0

And said Bill, H. B. 1028, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, McDonald (S), Mims, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Waldrop.

—25

*Nays:*

—0

The Bill:

H. 781. Providing for purging the lists of registered voters in Walker County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Proctor, St. John, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1002. Relating to Talladega County; to provide that the county governing body in regulating and providing for the use of voting machines in all elections in the county may, in the manner herein prescribed, divide any voting precinct of the county into territories, designate in each territory a voting center at which the qualified electors of the territory so designated may vote, and prescribe the number of voting machines to be maintained at each voting center; and to provide election officers for each voting center

designated by the county governing body, prescribe the duties of such election officers, and fix their compensation.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Peden, Perloff, Perry, Proctor, St. John, Stewart, Teague, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1040. Relating to the Fifteenth Judicial Circuit: to create the office of Official Grand Jury Reporter for the Grand Juries of the Counties comprising such Circuit; to provide for the duties, powers, method of appointment and salary of such reporter.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Goodwin, Jones, Little, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Peden, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1003. To amend Act No. 324, Regular Session of 1965 (Acts 1965, Regular Session p. 443), which Act establishes a Merit System for the City of Decatur, amending Section 2 of said Act so as to clarify the same regarding consultants in the exempt service by deleting the word temporary therefrom so that the same covers positions of consultants rendering professional service; and by making provision for any of the positions in the exempt service filled by persons formerly employed in like positions with a public corporation, including The Public Park and Recreation Board of the City of Decatur, Alabama, whose function involving such positions has been transferred to the City of Decatur at a time when such employees were so employed, to be placed in the classified service upon resolution of the governing body after favorable recommendation of the board, with the resolution of the governing body to prescribe the conditions under which the employee holding such position may acquire permanent status so long as such positions remains in the classified service.

Was read third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 1015. To repeal Act No. 612, H. 755, Regular Session 1967 (Acts 1967, p. 1416) as amended by Act No. 1069, H. 1721, 1971 Regular Session (Acts 1971, p. 1912), which provides for the appointment and compensation of a clerk for the sheriff in counties having a population of not less than 22,550 nor more than 24,550 according to the 1960 federal decennial census, or not less than 27,000 nor more than 27,900 according to the 1970 federal decennial census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1009. Relating to Talladega County; providing for the compensation of the tax assessor and tax collector.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Peden, Perloff, Perry, Proctor, St. John, Stewart, Teague, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1007. Relating to Hale County; to provide an optional and alternative method of assessing and paying taxes on and issuing license tags for motor vehicles in such county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Foshee, Goodwin, Jones, King,

Little, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

*Nays:*

—0

The Bill:

H. 1016. Relating to Lawrence County; providing for the appointment and compensation of a clerk for the sheriff, providing retroactive effect, and repealing conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Noonan, Owen, Peden, Perloff, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 1011. Relating to counties having population of not less than 33,550 nor more than 34,000 inhabitants according to the 1970 or any subsequent federal decennial census, to repeal Act No. 926, H. 893, Regular Session 1961 (Acts of 1961, p. 1485), as amended, entitled, "To regulate the compensation and allowances of members of the jury commission and the clerk of the jury commission of counties having populations of not less than 34,000 nor more than 35,500, according to the 1960 or any subsequent decennial census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca.

—25

*Nays:*

—0

The Bill:

H. 1012. Relating to Tallapoosa County; to regulate the compensation and allowances of members of the jury commission and the clerk of the jury commission.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Jones, Little, Mims,

Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1079. To repeal Act No. 700, H. 1535, Regular Session 1975 (Acts 1975, p. 1466), which act provides for an expense allowance for the county commission of any county having a population of 10,660 or less according to the 1970 or any subsequent federal decennial census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Foshee, Goodwin, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1078. To authorize and provide for the establishment, maintenance, equipping, operation and financing of a public law library in Hale County; and to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Foshee, Goodwin, Jones, King, Little, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 1098. Relating to Coosa County; providing that the Probate Judge shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for or in the process of transacting business.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1117. To increase the salaries of certain officials of Cullman County and to provide for the manner of their payment.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1090. Relating to Walker County, to create a license-issuing division within the probate judge's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to abolish the office of county license inspector as of January 1, 1979; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and costs pursuant to such system of renewal of motor vehicle licenses by mail; to create a special fund in the county treasury to receive such additional fees and costs of renewal by mail; and to authorize the establishment of auxiliary stations within the county for the sale of motor vehicle licenses and tags or decals.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1141. To create an Industrial Development Authority for Escambia County for the purpose of promoting industry and trade and the development of said county; to provide for the organization, powers, functions, duties and personnel of such Authority and to provide for the payment of the expenses of such Authority and for the compensation of its employees.



Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Noonan, Owen, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1120. Relating to Cullman County, to regulate further the compensation of the tax assessor and tax collector and to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1143. Relating to Escambia County; to allow students of cosmetology or barbering in such county who have completed 250 hours of study in a registered school of cosmetology or barbering to work in a duly registered beauty shop or barber shop during non-school hours.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

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The Bill:

H. 1145. Relating to Escambia County; to provide for the compensation of the sheriff and all deputies sheriff other than the chief deputy sheriff in such county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Noonan, Owen, Pearson, Peden, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1147. Relating to Escambia County; to provide for the compensation of the sheriff of said county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Jones, King, Little, Mims, Noonan, Owen, Pearson, Peden, Perloff, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1077. Relating to Greene County; authorizing the sale of alcoholic beverages during certain times.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Ellis, Fine, Foshee, Goodwin, Jones, King, Little, Mims, Mitchell, Noonan, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1074. Relating to Monroe County; to provide that the clerk of the tax assessor's office may be employed as clerk of the Monroe County board of equalization at a monthly compensation not to exceed \$100.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Foshee, Gilmore, Jones, King, Little, Mims, Noonan, Owen, Perloff, Perry, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 1080. Amending Section 17 of Act No. 376, H. 1040 of the 1975 Regular Session (Acts 1975, Vol. II, p. 926), relating to the Greene County Racing Commission, so as to further provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of this act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Ellis, Fine, Foshee, Goodwin, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 1116. Relating to Cullman County; to provide additional expense allowances to certain officers.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1091. To provide that no state penitentiary or other state correctional or penal institution shall be located within the boundaries of Walker County unless approved by a majority of the qualified electorate of the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

**The Bill:**

H. 1092. To authorize municipalities of Walker County to elect to participate in the county civil service system and to provide for certain fees for employees of municipalities which so elect to be covered by the county merit system.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

**The Bill:**

H. 1044. To allow the District Attorney for the Fifteenth Judicial Circuit to initiate and conduct a Pre-Trial Diversionary Program within said circuit for first offenders who are charged or may be charged with certain offenses, and to permit the District Attorney to bring legal proceedings against diversion applicants and/or other criminal defendants on behalf of victims of crime.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Goodwin, Jones, Little, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

**BILL RE-REFERRED**

Mr. Stewart moved that the Bill, H. B. 1039, be removed from the Calendar and re-referred to another Committee, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 1039, re-committed to the Standing Committee on Local Legislation No. 1.

**BILLS ON THIRD READING RESUMED****The Bill:**

H. 1048. Relating to Bullock County; to provide for the employment of

clerks, secretaries and clerical assistants to perform duties in the County offices located in the County Courthouse and to provide for the employment of jailers for the county jail; and to provide for the salaries of all such employees.

was taken up.

Mr. Perry offered the following amendment to the Bill, H. B. 1048, to-wit:

#### SENATE AMENDMENT TO HOUSE BILL 1048

Amend House Bill 1048, page 1, line 17 by inserting after the word "authorized" the words "upon approval of the Bullock County Commission or like governing body"

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 1048, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1033. Relating to the office of sheriff of Chilton County; providing further for the appointment, number, duties and compensation of deputies; providing for the furnishing of quarters, equipment and clerical help; providing for an expense allowance for the sheriff; and repealing Act No. 955, S. 929, 1975 Regular Session (1975 Acts, p. 1991), and other conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Jones, King, Little, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Perry, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1023. Relating to Etowah County; providing that the sheriff shall have a concession to sell soft drinks, cigarettes, and assorted personal items to county prisoners and state prisoners in county custody; and providing that the profits from such sales shall be used for law enforcement purposes.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Waldrop.

—25

*Nays:*

—0

The Bill:

H. 988. An act relating to the municipality of TOWN OF MOORE'S CROSSROADS to alter, re-arrange and extend its boundaries.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 988, to-wit:

#### COMMITTEE AMENDMENT TO H. 988

On page 2, line 16, add the following additional section and renumber the remaining sections:

Section 2. The substantive provisions of this act shall become operative only if approved by a majority of the qualified electors in the area proposed to be annexed in a referendum election to be held in such area on the sixtieth day following the passage of this act. The judge of probate of DeKalb County shall provide for the holding of a referendum on such date. On the ballots to be used at the election the question shall be stated substantially as follows: "Do you favor annexation into the Town of Moore's Crossroads? Yes ( ) No ( )." If a majority of the votes cast in the election are "Yes," the provisions of this act shall become operative immediately. If the majority are "No," this act shall have no effect. The judge of probate of the county shall notify the Secretary of State and the Mayor of the Town of Moore's Crossroads of the results of such election.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, McDonald (S), Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Proctor, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 988, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, McDonald (S), Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Proctor, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 1073. To repeal Act No. 564, H. 1321, 1977 Regular Session (Acts of 1977, p. 754), entitled "An Act Relating to all counties having a population of not less than 20,500 nor more than 21,500 according to the 1970 or any subsequent federal decennial census; to allow the county governing body and the governing body of each municipality in the county to contribute public funds to a volunteer rescue squad."

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, St. John, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1054. Relating to Winston County; authorizing and directing the State Highway Department to maintain all county roads which serve as rural mail or school bus routes.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Jones, King, Little, Mims, Mitchell, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1061. Relating to Bullock County; to raise the salary of the tax assessor and tax collector.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 1051. Relating to Morgan County; to further provide for the salaries of employees of the sheriff's department and to provide for additional employees.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 1051, to-wit:

#### COMMITTEE AMENDMENT TO H. B. 1051

Amend H. 1051 on Page 1, Line 27 by striking out the entire line; and on page 1, Line 30 by substituting the figure "15" for the figure "16"; and on line 32 by substituting the figure "2" for the figure "3".

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 1051, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1053. Providing further for registration of voters in Blount County.



Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Jones, King, Little, McDonald (S), Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

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The Bill:

H. 837. Relating to Houston County; to provide a salary from the General Fund for each County Commissioner excluding the Chairman of the Commission.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Foshee, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1118. Relating to Cullman County; to authorize the county governing body to expend county funds without regard to the competitive bid law, to purchase supplies and equipment for volunteer fire departments and fire units.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 900. Relating to Marshall County; authorizing the county board of education to spend public school funds to provide comfortable office quarters, office furniture, office equipment, stationery, postage, forms, telephone service and supplies required by the county superintendent of education and his assistants.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, McDonald (S), Mims, Owen, Peden, Perloff, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1022. This bill is for the purpose of establishing the Walnut Creek Lake Authority in Pike County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Edwards, Ellis, Fine, Foshee, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 688. To further amend Section 1 of Act No. 394, H. 828, Regular Session 1961 (Acts 1961, p. 406), which act relates to the employment of certain personnel for the sheriff's department of Lee County, so as to further provide for the employment of such personnel and their salaries and meal and uniform allowances.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Higginbotham, Little, Mims, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 757. To authorize the Limestone County Commission to appoint a license commission for said county and to provide that such power of appointment shall include the authority to prescribe the duties, compensation and terms of the members of such commission.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, McDonald (A), Mims, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 895. To repeal Act No. 15, H. 120, 1947 Regular Session (Local Acts of 1947, p. 14), as amended, entitled "An Act To provide for the municipality of Phenix City a civil service system governing the appointment, removal, salaries, tenure, and official conduct of employees and officers of the police and fire departments of the city, defining violations of the Act, and imposing penalties for violations" and to provide that such repeal shall become effective on the date on which the governing body of said city enacts an ordinance establishing a merit system for all employees of said city.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Fine, Foshee, Gilmore, Higginbotham, King, Little, Mims, Mitchell, Owen, Peden, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1020. Relating to Walker County, to further provide for the duties and authority of the chairman of the board of registrars, to provide for the appointment of deputy registrars and to prescribe the duties, authority and compensation of such deputy registrars.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1021. Relating to Walker County; to provide an increase in the expense allowance for the county treasurer.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 714. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers, and the restructuring or abolition of certain offices of Geneva County.

Was read a third time at length as required by the Constitution, and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Foshee, Jones, King, Little, Mims, Mitchell, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 746. Relating to Lauderdale County; to provide that the County Superintendent of Education may maintain central offices anywhere within the county and that such offices be used for central office space only.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 331. Relating to the 14th judicial circuit, providing further for the salary of the secretary of the jury commission.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 291. To repeal Act No. 361, H. 1141, Regular Session of 1973 (Acts 1973, p. 515), entitled "An Act Relating to counties having not less than 16,350 nor more than 16,650 populations, according to the most recent federal decennial census; to provide an additional clerks hire allowance for the Probate Judge of such counties."

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Foshee, Jones, King, Little, Mims, Mitchell, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1101. Relating to Morgan County; levying in certain areas of such county a special county privilege license tax, paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3, and 40-23-4 of Code of Alabama 1975, as amended; providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the State Department of Revenue; prescribing penalties and fixing punishment for violation of this act.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 1101, to-wit:

#### COMMITTEE AMENDMENT TO H. B. 1101

On page 6, line 31, add the following additional section and renumber the remaining sections:

Section 8. The substantive provisions of this act shall become operative in the county gross receipts tax area only if approved by a majority of the electors of the county gross receipts tax area voting in a referendum to be held in such area on the day of the next statewide primary election following the passage of this act or as further provided below. The governing body of the county shall order and provide for the holding of the first referendum on such primary date. On the ballots to be used at the election the question shall be stated substantially as follows: "Shall the provisions of Act No.\_\_\_\_, of the \_\_\_\_\_ Session of the Legislature, approved the \_\_\_\_ day of \_\_\_\_\_, 1978, which relates to the levy of a special county privilege license tax, be adopted?"

Yes ( ) No ( )." If a majority of the votes cast in the election are "Yes," the provisions of this act shall become operative immediately. If a majority are "No," this act shall have no effect at that time. If a majority of the votes are "No" and in the event ten percent (10%) of the qualified electors in the county gross receipts tax area voting in the first referendum election shall petition the county governing body within ninety (90) days prior to the next statewide primary election, the governing body of the county shall order the holding of a second referendum election on such date. On the ballots to be used at the election the question shall be stated the same as above. If a majority of the votes cast in the election are "Yes," the provisions of this act shall become operative immediately. If a majority of the votes are "No," this act shall have no further effect.

On motion of Mr. St. John, said amendment was laid on the table.

Yeas 2; Nays 1.

*Yeas:* Messrs. Perloff, St. John. —2

*Nay:* Mr. Edwards. —1

Mr. Edwards moved that further consideration of the Bill, H. B. 1101, be indefinitely postponed.

On motion of Mr. St. John, said motion was laid on the table.

Yeas 2; Nays 1.

*Yeas:* Messrs. Perloff, St. John. —2

*Nay:* Mr. Edwards. —1

And said Bill, H. B. 1101, was read a third time at length and passed.

Yeas 2; Nays 1.

*Yeas:* Messrs. Perloff, St. John. —2

*Nay:* Mr. Edwards. —1

(The President and Presiding Officer of the Senate declared a quorum present, but not voting.)

The Bill:

H. 898. To amend further Sections 16 and 24 of Act No. 13, H. 118, 1947 Regular Session (Local Acts 1947, p. 7), as amended, which establishes for the municipality of Phenix City a pension and relief system for the benefit of firemen and policemen, so as to regulate further creditable service for such system and to further provide for insufficiencies in the pension and relief fund.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Higginbotham, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:* —0

The Bill:

H. 969. To provide further for the mutual time exchange by members of the Fire Department of the City of Montgomery in Montgomery County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Goodwin, Jones, Little, Mitchell, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 952. To amend further "The Civil Service Act of Dothan", Act No. 273, S. 292, of the 1947 Regular Session (Local Acts 1947, p. 196), in order to redefine the words, "Department Head", to include heads of newly created departments and to provide further for the abolition of departments of the city government, the consolidation of two or more of such departments into one department and the creation of new departments; to give the Personnel Board the authority to reduce the severity of disciplinary action taken by an Appointing Authority after due process and appeal before the Personnel Board when mitigating circumstances so warrant, and for such purposes amending Sections 2, 3, and 21.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Foshee, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 948. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Flint City in Morgan City.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, Jones, King,

Little, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 944. Proposing an amendment to the Constitution of Alabama to authorize the consolidation of the offices of tax assessor and tax collector of Coffee County and the establishment of a consolidated and unified system for the assessment and collection of taxes in such county.

Was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Foshee, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate bill:

S. 426. To propose and provide for the submission of an amendment to the Constitution of Alabama relating to Mobile County for the purpose of granting limited local self-government or certain home rule powers to said county.

And the Speaker of the House has appointed as a Committee on the part of the House Messrs. Callahan, Younce and Sandusky.

JOHN W. PEMBERTON,  
Clerk.

#### BILLS ON THIRD READING RESUMED

The Bill:

H. 976. To revise, amend and reenact Act 762, S. 610 the 1976 Regular Session (1976 Acts, p. 1046) relating to the right of the Morgan County Commission to perform work on public works so as to delete the requirement of submitting a detailed report each six months and to delete the termination date of the provisions of such act.

Was read a third time at length and passed.

Yeas 25; Nays 0.



*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 977. To authorize certain expense allowances for the members of the board of education in Morgan County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 980. Relating to Elmore County; to levy an excise and privilege tax on the severance of clay, sand and gravel in said county; to provide for the collection, payment, and administration of such tax; and to provide for the disposition of the proceeds from such tax.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Jones, King, Little, Mitchell, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 950. Relating to Tuscaloosa County; to further regulate the hours and times that alcoholic beverages may be sold, served, or given away in public places.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Ellis, Fine, Gilmore, Jones, King, Little, McMillan,

Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 949. To alter and rearrange the boundaries of the town of Trinity in Morgan County, so as to include certain territory in the corporate limits of the town.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 970. Relating to Mobile County, to allow the sale of wines at retail at any time except Sundays, and to make the covering of table wines on Sundays optional.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Perloff, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 987. Relating to the offices of the tax assessor, tax collector, license commissioner, probate judge and coroner in Calhoun County; to authorize the tax assessor to appoint a deputy assessor; to authorize the tax collector to appoint a deputy tax collector; to authorize the license commissioner to appoint a deputy license commissioner; to authorize the probate judge to appoint a deputy probate judge; to authorize the coroner to appoint a deputy coroner; to establish the duties of such deputies; and to prescribe the respective salaries to be fixed by the county commission.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, Stewart, Teague, Wilson.

—25

*Nays:*

—0

The Bill:

H. 996. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Pennington, in Choctaw County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Noonan, Owen, Peden, Perloff, Perry, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1001. Relating to Talladega County; to provide a salary supplement to the circuit court register.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Proctor, St. John, Stewart, Teague, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1046. Relating to Dale County; to authorize the county governing body to provide for the relief of county employees who suffered unpaid claims when the insurance company that the county had its hospitalization and medical insurance with went bankrupt; to provide further that the total amount of county funds expended under the provisions of this Act shall not exceed \$7,500.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Jones, King,

Little, Mims, Mitchell, Owen, Pearson, Peden, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1104. Relating to Colbert County, providing further for the compensation for members of the county board of education.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1112. To provide for compensation and expense allowance for the Coroner of Henry County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Noonan, Owen, Peden, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1103. Relating to Colbert County, to provide further compensation for the chairman and each member of the board of equalization, payable from the county general fund.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1107. Relating to Colbert County, to provide for certain expense allowances and salaries for certain county officials, and providing that this act shall become effective only if approved at a referendum election in Colbert County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1072. Relating to Monroe County; to allow the county commission and the governing body of each municipality in the county to contribute public funds to a volunteer rescue squad.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Noonan, Owen, Pearson, Peden, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1076. To create the office of county treasurer of Greene County; to provide for the appointment of the county treasurer and to prescribe his powers, duties, term and compensation.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Foshee, Goodwin, Jones, King, Little, Mims, Mitchell, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1151. Relating to Geneva County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes,

under the supervision of an elected county official designated as county revenue commissioner, and repealing conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Foshee, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1144. Relating to Escambia County; providing for the payment or reimbursement by said county to the members, including the chairman of the county commission, of their actual expenses incurred in the performance of their duties outside the county, including expenses incurred by them in attending conventions of the National Association of County Commissioners and the Alabama Association of County Commissioners.

Was read a thrid time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1146. Relating to Escambia County; to amend further Act No. 411, H. 742, 1963 Regular Session (Acts 1963, p. 912), as amended, which act creates a county governing body for Escambia County, so as to authorize the governing body to establish a personnel board for the county and to prescribe the powers, duties and compensation of any such board; and to repeal Act 497, H. 1149 of the 1977 Legislature of Alabama (1977 Acts, p. 648) entitled, "An Act To provide for the establishment of a merit system for certain counties and municipal law enforcement officers in Escambia County, Alabama, and a merit system board governing the removal and official conduct of such officers; defining violations of the act; imposing penalties for violations; and repealing conflicting laws."

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Jones, King, Little, Mims, Noonan, Owen, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1050. Relating to Morgan County, to provide for salary supplements and expense allowances for certain county officers, payable from the county treasurer.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, H. B. 1050, to-wit:

#### COMMITTEE SUBSTITUTE FOR H. 1050

##### A BILL TO BE ENTITLED AN ACT

Relating to Morgan County; providing for salary supplements for certain officers, payable from the county treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. Immediately upon the effective date of this act, the elected circuit judges for the circuit including Morgan County shall receive a supplemental salary, payable in equal monthly installments from the county general fund, in an amount equal to thirty percent (30%) of the prevailing salary paid to such circuit judges by the state. Any circuit judge for the circuit including Morgan County serving a term for which he was appointed shall receive a supplemental salary, payable in equal monthly installments from the county general fund in an amount equal to twenty-five percent (25%) of the prevailing salary paid to any such circuit judges by the state. Such supplement shall be paid in lieu of all other supplemental or expense payments heretofore authorized by law.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Edwards offered the following amendment to the substitute for the Bill, H. B. 1050, to-wit:

#### AMENDMENT TO SUBSTITUTE FOR H. B. 1050

Amend Substitute for House Bill No. 1050 Page 1 Line 35436, by striking out said lines in their entirety and substitute therefor the following:

"on the 1st day of October, 1978."

Which was adopted.

And said substitute, as thus amended, was then adopted by the Senate.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 1050, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

*The Bill:*

H. 1128. Providing for the establishment of a merit system for the county and municipal employees in Blount County, Alabama; and a merit system board governing the removal and official conduct of such county and municipal employees; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Owen, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

*The Bill:*

H. 1119. Relating to Cullman County; to regulate employment practices with regard to road employees; to establish a county road personnel board and provide for its powers, jurisdiction, duties, compensation and allowances, membership, office space, supplies, equipment and clerical assistance; to provide for examination of job applicants; to establish procedures for employment and for suspension, discharge and other disciplinary actions and to provide for appeals from such actions and from decisions of the board; to prescribe duties and powers of the county governing body and the sheriff with regard to the board; to provide penalties for certain violations; to prohibit certain activities on the part of employees; to make the effectiveness hereof contingent upon the enactment of Senate Bill 346 of the 1978 Regular Session and its approval by the electors of the county at the referendum election provided for therein.



Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1142. Relating to Escambia County; to provide that the county commission of Escambia County may allocate and distribute among the several presently incorporated municipalities of Escambia County on a pro rata basis 33 1/3 percent of any oil and gas privilege tax monies which may be received by Escambia County under the authority of any general or local law enacted by the legislature of Alabama after January 1, 1978.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca.

—25

*Nays:*

—0

The Bill:

H. 1106. Relating to Colbert County, to provide further compensation for the clerk and members of the jury commission, payable from the county general fund.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 812. Relating to Blount County; to repeal the expense allowance of the members of the county commission; and to provide for an expense allowance for members of the county commission.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, McDonald (S), Mims, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 785. To amend Section 1 of Act No. 89, H. 40, of the Regular Session of 1969 (Acts of 1969, p. 373), so as to further regulate the compensation and allowances of members of the board of education of Covington County and provide for the payment thereof.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Foshee, Jones, King, Little, Mims, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 814. Relating to Blount County; to provide further for the compensation of the Board of Equalization of the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, McDonald (S), Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Shelby, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 856. Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Trinity.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, Jones, King,

Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 813. Relating to Blount County; providing further for the compensation of the Board of Registrars of the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, McDonald (S), Mims, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 828. To provide for purging the lists of registered voters in Choctaw County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Foshee, Jones, King, Little, Mims, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1126. Relating to Hale County; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Foshee, Goodwin, Jones, King, Little, Mims, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 882. To amend Section 12 of Act No. 592, S. 456, Regular Session 1953 (Acts 1953, Page 838), entitled "An Act To Provide for the City of Anniston, in Calhoun County, a Civil Service System governing the appointment, removal, salaries, tenures and official conduct of employees of the City; defining violations of the Act, imposing penalties for violations; and repealing conflicting laws."

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Stewart, Teague, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1110. Relating to Wilcox County; further regulating the handling and expenditures of certain court fees accruing to Wilcox County; establishing the Wilcox County Law Library Fund and authorizing the expenditures of such funds; creating the Wilcox County Law Library Board and providing for its appointment, powers and duties; providing for taxation of \$3.00 court costs as a law library fee in all criminal, quasi-criminal or civil cases or other proceedings in the Circuit Court, District Court and Small Claims Court of Wilcox County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Jones, King, Little, Mitchell, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1111. Relating to Wilcox County; to amend Section 1 of Act No. 83, S. 167, 1971 Regular Session (Acts of 1971, p. 345) relating to fees for pistol permits and their disposition, so as to further regulate the amount and disposition of such fees.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Jones, King, Little, Mitchell, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1059. Relating to the 25th Judicial Circuit; creating the office of public defender and providing for the manner of appointment, the operation and financing of such office; providing such office for the representation and defense of persons accused of crime whom the courts declare indigent; establishing the Public Defender Commission; defining the authority, powers, duties and limitations of said commission and defender; authorizing the taxing and collecting of certain additional court costs in certain courts within said counties for financing the operation of the office of Public Defender and representation of indigents, such revenues to be designated for the Public Defender's fund; continuing the opportunity for lawyers to be appointed to represent such indigents; requiring that any excess money in the Public Defender Fund be returned on a pro rata basis to the counties and municipalities which funded the said office and its operation; and providing for the retroactive effect of certain provisions of this act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1095. Relating to Montgomery County; to provide additional compensation for the members of the Board of Registrars.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Jones, Little, McMillan, Mitchell, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1094. Relating to Montgomery County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses; giving this act retroactive effect.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, Goodwin, Jones, Little, McMillan, Mitchell, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 941. Relating to Jefferson County; to prescribe the civil service system status of certain truck weight inspectors and transfer agents employed in the sheriff's office of said county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mitchell, Noonan, Pearson, Perloff, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

## REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 528. COMMENDING EDGAR EUGENE KINSEY FOR OUTSTANDING PERFORMANCE OF DUTY.

H. J. R. 536. MOURNING THE DEATH OF COACH ERNEST LESTER TUCKER.

H. J. R. 468. VOICING OUR APPRECIATION FOR THE HONOR BESTOWED BY STUDENTS OF THE W. J. CHRISTIAN SCHOOL UPON THE ALABAMA LEGISLATURE.

H. J. R. 541. COMMENDING MR. LARRY ADCOCK OF BIRMINGHAM, ALABAMA.

H. J. R. 576. COMMENDING THE POSTMASTERS OF THE STATE OF ALABAMA.

On motion of Mr. Fine, said Resolutions, H. J. R.'s 528, 536, 468, 541, and 576, were concurred in and adopted by the Senate.

## RESOLUTION

Mr. Foshee offered the following Senate Joint Resolution, to-wit:

S. J. R. 449. RECOGNIZING THE IMPORTANCE OF TOMATOES AS AN AGRICULTURAL CROP AND THEIR CONTRIBUTION TO THE ECONOMY OF THE STATE OF ALABAMA.

WHEREAS, the tomato is a basic farm and garden crop, and

WHEREAS, it contributes significantly to the economic well-being of Geneva County and many other counties, and

WHEREAS, the Tomato Festival has been well established as a continuing activity for our State, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the third Saturday of June of each year is designated as Tomato Festival Day to recognize the importance of tomatoes to Alabama, and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Slocomb Jaycees and Dan Chandler, Chairman of the Tomato Festival Committee.

On motion of Mr. Foshee, the Rules were suspended and the Resolution was adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 614. Relating to Morgan County; further regulating the sheriff's compensation.

Also:

S. 469. To amend Section 1 of Act No. 130, S. 15 of the Fourth Special Session of 1975 which provided for supplementing the compensation paid to retired or supernumerary circuit judges in the 37th Judicial Circuit so as to further restrict eligibility for such supplemental compensation.

Also:

S. 344. To amend the title and Section 7 of Act No. 584, H. 449 of the 1965 Regular Session (1965 Acts, p. 1080), so as to provide that it shall be unlawful for any person to use any facility operated and maintained by Bear Creek Development Authority without first obtaining a user permit authorizing such person or persons to use said facility; and to prescribe penalties for violations.

Also:

S. 700. Relating to Elmore County; to regulate and control the operation and licensing of massage parlors and to provide penalties for violation.

Also:

S. 615. Relating to Morgan County; providing a salary of \$20,000 for

the Chairman of the County Commission and \$14,000 for each commissioner, effective after the present term.

Also:

S. 616. Relating to Morgan County; further regulating the compensation payable to the judge of probate.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Trammell:

H. J. R. 624. NAMING THE INDUSTRIAL TRAINING CENTER TO BE CONSTRUCTED AT BESSEMER STATE TECHNICAL COLLEGE, "MILLSAP INDUSTRIAL TRAINING CENTER."

WHEREAS, Mr. Robert Millsap has served as Chairman of Bessemer State Technical College's Advisory Council since 1965, and has contributed many hours of his time in the development of the College in providing leadership with business and industry representatives; and

WHEREAS, it was through his efforts and dedication for Trade and Technical Education that brought about the establishment of Bessemer Trade School through state officials and the Trade School and Junior College Authority in 1962-1963; Mr. Millsap, as Chairman, gained the citizens' support of contributions to obtain the property where the College is located; and

WHEREAS, he has served on the Governor's Advisory Committee and is past president of the Bessemer Board of Education and Bessemer Chamber of Commerce; and

WHEREAS, since 1965 Bessemer State Technical College has grown to become the largest Technical College in the State of Alabama serving over 2200 students in technical training; and

WHEREAS, construction will begin in the spring of 1978 for an Industrial Training Center with the opening and dedication to be held in the fall; this new center will serve specialized training for business and industry; and

WHEREAS, to honor Mr. Robert Millsap, the College's Advisory Council has approved the designation of this facility as, "Millsap Industrial Training Center"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Industrial Training Center to be constructed at Bessemer State Technical College is hereby named and designated as, "Millsap Industrial Training Center."

BE IT FURTHER RESOLVED, That proper authorities are directed to cause appropriate signs and markers to be erected and maintained in so designating said facility as, "Millsap Industrial Training Center."

JOHN W. PEMBERTON,  
Clerk.



## HOUSE MESSAGE

The Resolution, H. J. R. 624, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Turnham and Crowe:

H. J. R. 616. CREATING A JOINT LEGISLATIVE COMMITTEE ON ENERGY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint legislative committee which shall be known as the "joint legislative committee on energy." The committee shall function from the date of its appointment until such time as the house of representatives and the senate each adopt a concurrent resolution terminating the committee.

The joint committee shall be composed of nine members, four members from the senate appointed by the lieutenant governor and five members from the house of representatives appointed by the speaker of the house. The chairman shall be designated by the speaker in odd numbered years and by the lieutenant governor in even numbered years. The vice chairman shall be designated by the lieutenant governor in odd numbered years and by the speaker in even numbered years.

The joint committee shall employ such staff as it deems necessary to conduct its business pursuant to this resolution. The staff may be composed of a staff director and such technical, legal, clerical, and stenographic assistants as the chairman and vice chairman determined.

The joint committee shall have the following responsibilities and duties:

- (a) examine the statutes, constitutional provisions, regulations and court decisions governing energy and recommend legislation or changes if any are found to be necessary to the legislature;
- (b) continuously evaluate the energy policies and programs of the state;
- (c) have the power to introduce bills and act as a committee of reference for bills affecting or relating to the energy activities of the state; and
- (d) act in any capacity authorized by the speaker of the house and lieutenant governor.

The members of the committee shall be entitled to their regular pay and per diem expenses, including mileage, for each day in which they are engaged in committee work. Such pay and expenses shall be paid out of any available funds appropriated for use of the legislature. Provided, that the total expenditures of the committee shall not exceed \$5,000 per year.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 616, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Falkenburg, White and Pegues:

H. J. R. 620. CONTINUING THE COMMITTEE CREATED BY ACT NO. 755, H. J. R. 326, OF THE 1976 LEGISLATURE AND POSTPONING THE DAY FOR FILING ITS FINAL REPORT AND EXTENDING THE EXISTENCE OF SAID COMMITTEE.

WHEREAS, Act No. 755, H. J. R. 326, page 1039, of the Regular Session of the 1976 Legislature created a select joint committee to study the rising cost to the state of the Medicare and Medicaid programs; and

WHEREAS, it is deemed wise and expedient that this committee have more time in which to report its findings, and that the life of this committee be extended; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Select Joint Committee to Study the Rising Cost to the State of the Medicare and Medicaid Programs, created by Act No. 755, H. J. R. 326, 1976 Regular Session, is hereby continued and shall continue to have all the powers, rights and duties that such committee had pursuant to said act which created this committee. The committee shall report its findings not later than November 1, 1978.

Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman, provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session. The committee shall be limited to the further expenditure of \$15,000 from any funds appropriated to the use of the legislature.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 620, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Finance and Taxation.

## BILLS ON THIRD READING RESUMED

The Bill:

H. 883. Relating to Cleburne County; providing for the appointment of a part-time district attorney for such county; prescribing his qualifications;

providing for his powers and duties; providing for payment of his compensation; giving this act retroactive effect; and providing for the nullity of this act at such time as general legislation providing funding for this position is enacted.

Was read a third time at length and passed.

Yeas 21; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Goodwin, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Proctor, St. John, Stewart, Waldrop, Wilson.

—21

*Nays:*

—0

The Bill:

H. 87. To increase the probate judges' and license commissioners' fee for issuing motor vehicle licenses.

Was read a third time at length and passed.

Yeas 21; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Fine, Foshee, Goodwin, Higginbotham, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Proctor, St. John, Teague, Wilson.

—21

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 580. To further regulate the county supplemental allowances payable to the district attorney for the 8th Judicial Circuit.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Edwards, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 580, the title of which is set out in the foregoing Message from the House, to-wit:

#### AMENDMENT TO S. B. 580

On page 1, lines 24-26, strike the sentence beginning with the word "Such" and insert in lieu thereof the following sentence:

Such supplemental allowance shall be in lieu of any other supplemental payments by the county, but shall be paid in the same manner as any other supplemental payments were previously paid.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, Jones, King, McDonald (A), McMillan, Mims, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

### BILLS ON THIRD READING RESUMED

The Bill:

H. 152. To provide bidding procedures and contents thereof in connection with the licensing of motion pictures, to provide that once bids are solicited, the distributor may license the picture only by bidding, to prohibit the practice of "blind bidding" and to provide penalties for violation of this Act, including damages and attorneys fees.

was taken up.

Mr. Perloff offered the following amendment to the Bill, H. B. 152, to-wit:

#### SENATE AMENDMENT TO H. B. 152

Amend House Bill 152, page 5, line 18 to read as follows:

"Section 8. This Act shall become effective on July 1, 1979."

On motion of Mr. Mims, said amendment was laid on the table.

Mr. Teague offered the following amendment to the Bill, H. B. 152, to-wit:

#### AMENDMENT TO H. B. 152

Amend House Bill 152 on page 4, Section 4 (c), as follows:

"Any purported waiver of the prohibition against blind bidding in this act shall be void and unenforceable. The prohibition against blind bidding in this act may be waived by the written consent of any exhibitor which operates a theatre in the State of Alabama."

On motion of Mr. Mims, said amendment was laid on the table.

And said Bill, H. B. 152, was read a third time at length and passed.

Yeas 21; Nays 4.

Abstaining 1.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Goodwin, Higginbotham,

Jones, Little, Mims, Mitchell, Noonan, Peden, Powell, Proctor, Roberts, Shelby, Vacca, Waldrop, Wilson.

—21

*Nays:* Messrs. McDonald (A), Perloff, St. John, Teague. —4

*Abstaining:* Mr. McMillan. —1

Mr. Mims moved that the Senate reconsider the vote by which the Bill, H. B. 152, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Hines:

H. J. R. 626. DESIGNATING THE MUSEUM AT THE JEFFERSON DAVIS STATE JUNIOR COLLEGE IN BREWTON THE "THOMAS E. McMILLAN MUSEUM."

WHEREAS, the ancestors of Thomas E. McMillan formerly owned and lived on the land where the Jefferson Davis State Junior College is now located in Brewton; and

WHEREAS, Thomas E. McMillan was a charter member and active trustee of the Escambia County Historical Society until his death; and

WHEREAS, Thomas E. McMillan received an award of merit from the Alabama Historical Commission in recognition of his efforts as a long-time preservationist and historian; and

WHEREAS, the Thomas E. McMillan estate has contributed a sizable sum to the Escambia County Historical Society for the purpose of helping build and support a museum to be established at Jefferson Davis State Junior College; and

WHEREAS, The Thomas E. McMillan family has an outstanding collection of artifacts and historical objects of museum quality that will be used as a nucleus of a fine historical museum at Jefferson Davis State Junior College; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That to perpetuate the memory of this generous man and his many contributions to his community and to Jefferson Davis State Junior College in particular, the museum being established at Jefferson Davis State Junior College in Brewton shall be designated the "Thomas E. McMillan Museum."

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to send copies of this resolution to the family of Thomas E. McMillan and to the President of Jefferson Davis State Junior College.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 626, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Hines:

H. J. R. 625. DESIGNATING THE AUDITORIUM AT JEFFERSON DAVIS JUNIOR COLLEGE AT BREWTON, ALABAMA, THE "WOODFIN-PATTERSON AUDITORIUM."

BE IT RESOLVED BY THE LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That the auditorium at Jefferson Davis Junior College at Brewton, Alabama, is hereby named the "Woodfin-Patterson Auditorium" and the authorities at said college shall so designate said auditorium by appropriate signs or markers.

RESOLVED FURTHER, That a copy of this resolution shall be sent to the President of Jefferson Davis Junior College.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 625, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Mayer Mitchell to the Board of Trustees of the University of South Alabama.

On motion of Mr. Owen, the appointment of Mr. Mitchell to the Board of Trustees of the University of South Alabama was confirmed by the Senate.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (S), McMillan, Mims, Noonan, Owen, Peden, Perloff, Proctor, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

—26

*Nays:*

—0

## BILLS ON THIRD READING RESUMED

The Bill:

H. 143. To provide that full-time employees and executive officers of the Alabama Council for School Administration and Supervision may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Council and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

was taken up.

Mr. Clemon moved that said Bill, H. B. 143, be postponed temporarily.

On motion of Mr. Fine, said motion was laid on the table.

Yeas 17; Nays 6.

*Yeas:*

Messrs. Baker, Edwards, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), Mims, Owen, Perloff, St. John, Waldrop, Wilson.

—17

*Nays:*

Messrs. Clemon, McMillan, Mitchell, Peden, Powell, Teague.

—6

Mr. Clemon offered the following amendment to the Bill, H. B. 143, to-wit:

## AMENDMENT TO H. B. 143

Amend House Bill No. 143 Page 2 Lines 5-17, by striking out all words and phrases.

On motion of Mr. Clemon, further consideration of said Bill, H. B. 143, and pending amendment, was postponed temporarily.

The Bill:

H. 11. To provide that any person who produces, displays, disseminates, or possesses with intent to disseminate obscene matter displaying or depicting children under the age of seventeen years engaged in lewd sexual activity or any parent or guardian who knowingly permits their child to be depicted therein shall be guilty of a felony and punished as provided herein, to provide a method of proof that such child is under the age of seventeen, to provide that possession of six or more copies of the same obscene material is prima facie evidence of intent to disseminate the same and to provide for the forfeiture and condemnation of certain property used in or related to the defined crimes, and to provide definitions for its provisions.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, H. B. 11, to-wit:

## COMMITTEE AMENDMENT TO H. B. 11

Amend Sub. for H. B. 11, Page 4, Section 4, Line 22 by adding after the words "seventeen years" and the period the following: "If a defendant or the State intends to rely on a birth certificate to prove the date of birth of any person displayed or depicted in any obscene matter as being engaged in or involved in any act set out in Sections 2 and 3 above, such defendant or the State shall file with the clerk of the court in which the action is pending, at least fifteen days prior to trial, a notice of an intention to rely on an official, certified copy of a birth certificate together with a copy of the said birth certificate. Prior to the trial of the cause, the court shall conduct a hearing to determine the authenticity of the said birth certificate. If the said birth certificate is found by the court to be a genuine copy of the official birth certificate of the person depicted in the obscene matter and the said certificate affirmatively shows that the said person is over the age of sixteen years, then the case shall be forthwith dismissed against the defendant."

Which was adopted.

Yeas 29; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Little, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Peden, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—29

*Nays:*

—0

And said Bill, H. B. 11, as thus amended, was read a third time at length and passed.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Goodwin, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Peden, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—27

*Nays:*

—0

And said Bill, H. B. 11, as thus amended, was read a third time at length and passed.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Turnham, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark,



Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Langford, Lee, Leonard, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Thomas, Towns, Trammell, Tucker, Venable, Waggoner, Ward, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

H. J. R. 629. NAMING THE BUILDING WHICH HOUSES THE OFFICE AND LABORATORIES OF THE STATE TOXICOLOGIST IN AUBURN, ALABAMA, THE "C. J. REHLING LABORATORIES."

WHEREAS, Dr. C. J. Rehling is a native of Cullman, Alabama who received both his B.S. Degree in Chemical Engineering and M.S. Degree in Chemistry from Alabama Polytechnic Institute which is now Auburn University; he further was awarded a Ph.D. Degree from the University of Wisconsin and LL.B. from Jones Law School in Montgomery; and

WHEREAS, he was a member of the faculty of the Chemistry Department at Auburn for some four years and was then engaged in research with E. I. DuPont and Company; he has been associated with the State Department of Toxicology and Criminal Investigation since its inception in 1935, first as Laboratory Director and since 1945 as Director and State Toxicologist; and

WHEREAS, The State Department of Toxicology and Criminal Investigation with headquarters offices and laboratories in Auburn, operates as the State's crime laboratory providing scientific aid to law enforcement agencies on city, county and state levels in their investigations of deaths and serious crimes, and as Director, Dr. Rehling has headed his department's operations with dedicated and capable efficiency for more than three decades; and

WHEREAS, Dr. Rehling's professional affiliations are many; he is a Fellow of the American Academy of Forensic Sciences, a member of the American Chemical Society, a member of the National Safety Council's Committee on Alcohol and Drugs since 1950 and a member of its Executive Board since 1960, a charter member and past president of the Southern Association of Forensic Scientists, and a member of the International Association of Forensic Toxicologists; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the building which houses the office and laboratories of the State Toxicologist in Auburn, Alabama, is hereby named and designated the "C. J. Rehling Laboratories."

BE IT FURTHER RESOLVED, That the proper authorities are directed to cause appropriate signs and markers to be erected and maintained in so designating said building the "C. J. Rehling Laboratories."

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 629, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of the Honorable Otha Lee Biggs to the Board of Trustees of the University of South Alabama.

On motion of Mr. Mims, the appointment of Mr. Biggs to the Board of Trustees of the University of South Alabama was confirmed by the Senate.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Little, McDonald (A), McDonald (S), McMillan, Mims, ~~Mitchell~~, ~~Neenan~~, ~~Orser~~, ~~Paden~~, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—27

*Nays:*

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown, and as amended has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 422. PROVIDING A COMMON DATE FOR HOLDING ELECTIONS ON ALL CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1978 REGULAR SESSION OF THE LEGISLATURE.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Fine, the Senate concurred in and adopted the following House amendment to the Resolution, S. J. R. 422, the title of which is set out in the foregoing Message from the House, to-wit:

## SUBSTITUTE FOR S. J. R. 422

S. J. R. 422. PROVIDING A COMMON DATE FOR HOLDING ELECTIONS ON ALL CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1978 REGULAR SESSION OF THE LEGISLATURE WHEN A DATE NOT OTHERWISE SPECIFIED.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that an election upon all constitu-

tional amendments proposed by an act of the 1978 Regular Session of the Alabama Legislature is ordered to be held on September 26, 1978, unless the original act proposing the constitutional amendment sets the date to coincide with another state-wide primary or general election.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing the amendment to the Bill:

H. 947. To validate certain payments made to the registrar of Calhoun County pursuant to Act 194, 1967 Regular Session (Acts of 1967, p. 241) which were made from the effective date of the 1970 federal census to January 15, 1977.

Said Governor's Message being in words and figures as follows, to-wit:

#### MESSAGE FROM THE GOVERNOR

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a Message from the Governor concerning House Bill 947, and containing suggested Executive Amendments.

Respectfully submitted,  
HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 12th day of April, 1978.

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

At the request of the sponsor, I am returning to you, the Body in which it originated, House Bill Number 947, without my signature and approval and with a suggested Executive Amendment.

It is suggested that you amend House Bill Number 947 by omitting the word "Registrar" where it appears in the Title and Body, and substituting therefor the word "register".

The adoption of the above and foregoing Executive Amendment will remove my objections to this bill.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor to the Bill, H. B. 947, by a vote of a majority of the whole number elected to the House, said votes being: Yeas 47, Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 50, Nays 0.

And said Bill, H. 947, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Stewart, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 947, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Stewart, Teague, Waldrop, Wilson.

—25

*Nays:*

—0

which was a majority of the whole number elected to the Senate.

### BILLS ON THIRD READING RESUMED

The Bill:

H. 150. To amend the act proposed by H. B. 1134 of the 1977 Regular Session, which is entitled "An Act To provide for a pay increase for sworn law enforcement officers with full peace officer authority in the service of the state, and to appropriate necessary funds," so as to add certain other sworn law enforcement officers to the list whose compensation will be increased.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 150, to-wit:

### COMMITTEE AMENDMENT TO HOUSE BILL 150

On page 2 delete lines 23 through 27 in its entirety and insert in lieu thereof the following:

by the Board of Corrections and by the Alabama Department of Agriculture and Industries. The following listed sworn law enforcement officers shall be entitled to receive a bi-weekly salary increase of \$115.00 beginning October 1, 1978: law enforcement officers employed by the Department of Health, by the Board of Pardons and Paroles, by the Department of Finance (Capitol guards), by the Public Service Commission, by the Securities Commission and by the Department of Toxicology and Criminal Investigation (the Officer of the State Toxicologist).

Which was adopted.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Proctor, St. John, Shelby, Teague, Vacca, Wilson.

—24

*Nays:*

—0

And said Bill, H. B. 150, as thus amended, was read a third time at length and passed.

Yeas 27, Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Peden, Perloff, Perry, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—27

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 119. To provide, in addition to benefits now received, a cost-of-living increase in retirement benefits for persons retired or otherwise receiving benefits under the state employees' or teachers' retirement systems prior to October 1, 1977; to specifically exclude certain persons from the provisions hereof; to make the provisions hereof optional to each county or municipality having retired employees participating in either state retirement system; to make appropriations to carry out the provisions hereof; and to repeal conflicting laws.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 426. Relating to voter registration; to provide for a board of registrars, their duties, terms and compensation; to provide for the registration of electors; to provide for clerical help and office supplies for registrars; to provide for meetings and times and places of registration by the board; to provide penalties for certain violations; to provide for the publication of the list of registered voters; to provide for deputy registrars; and to repeal Code of

Alabama, 1975, Sections 17-3-1 through 17-4-24, 17-4-40 through 17-4-47, 17-4-60 through 17-4-67 and other conflicting laws.

JOHN W. PEMBERTON,  
Clerk.

### BILLS ON THIRD READING RESUMED

The Bill:

H. 13. To amend Sections 34-27-3, 34-27-4, 34-27-7, 34-27-9, and 34-27-33 through 34-27-38 of the Code of Alabama 1975 which regulate real estate brokers, salesmen and real estate transactions, so as to provide further therefor.

was taken up.

On motion of Mr. Gilmore, further consideration of the Bill, H. B. 13, was postponed temporarily.

The Bill:

H. 818. To authorize the county commission of any county to establish Industrial Parks within the county; to provide for the designation and regulation of such Industrial Parks; to designate the facilities to be furnished and maintained by the Industrial Parks; to exempt Industrial Parks from annexation by municipalities; to exempt Industrial Parks from being included in the police jurisdiction of municipalities; and to confirm the rights and responsibilities of county commissions, including the right of taxation.

Was read a third time at length and passed.

Yeas 24; Nays 1.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Owen, Peden, Proctor, Roberts, St. John, Shelby, Stewart Vacca.

—24

Nay: Mr. Noonan.

—1

The Bill:

H. 137. To make an appropriation to the various public school systems of the state from the Special Educational Trust Fund for the purpose of libraries in the public elementary and secondary schools.

was taken up.

On motion of Mr. Peden, further consideration of the Bill, H. B. 137, was postponed temporarily.

The Bill:

H. 245. To make annual appropriations for the support, maintenance, and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1979.

was taken up.

On motion of Mr. Owen, further consideration of the Bill, H. B. 245, and also H. B.'s 442, 249, 451, 452, and 486, was postponed until the next Legislative Day as Unfinished Business.

### RECESS

At 3:20 P.M., on motion of Mr. Little, the Senate took a recess until 3:50 P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 629. Relating to Lee County, to provide further for the salary of the sheriff and to repeal conflicting laws.

Also:

S. 710. Relating to Limestone County; to provide for an additional expense allowance for the court reporter of any judicial circuit composed only of Limestone County.

Also:

S. 748. Relating to Lawrence County; to provide for an expense allowance for the circuit judge of the circuit composed of Lawrence County, payable from the county treasury.

Also:

S. 774. Relating to Marion County, to authorize and require the county board of education to provide the superintendent of education and annual expense allowance; to provide retroactive effect; and to repeal conflicting laws.

Also:

S. 144. To name the National Guard Armory now under construction in Opelika, Lee County, Alabama, "Fort Alfred C. Harrison."

Also:

S. 554. Relating to the eighteenth judicial circuit; providing for an additional circuit court judge in such circuit and prescribing the duties, authority, and compensation of such judge.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 314. To amend Section 34-24-75 of the Code of Alabama, 1975, so as to provide for the issuing of limited certificates of qualifications to practice medicine without examinations to physicians enrolled in approved residency training program.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 424. Relating to motor vehicle dealers; providing for the licensing of motor vehicle dealers, reconditioners, or rebuilders, and wholesalers, providing for qualifications and fees, including the requirement that motor vehicle dealers have a State sales tax number; prescribing information to be included in application; requiring certain records to be kept; providing a penalty; providing for suspension or revocation of license; requiring a bond or evidence of net worth; providing for severability; providing and effective date.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 586. To authorize the execution of, and to give advance approval to, a compact between the State of Alabama and the State of Georgia to identify, acquire, own, transport, renovate, maintain, and exhibit historic or military articles, exhibits and attractions; to promote tourism throughout the Chattahoochee Valley; to establish a joint agency to be known as the Historic Chattahoochee Commission and other offices for the administration of the compact; to prescribe the authority, powers, duties and functions of the Commission and its members, officers, and committees; and to provide penalties for violation of certain provisions of the compact.

Also:

S. 113. To exempt Smith's Water Authority in Lee County, Alabama, from the provisions of Section 40-21-82 of the Code of Alabama of 1975, which levies a certain tax on gross receipts and gross sales of certain utilities.

Also:

S. 490. To make an emergency supplemental appropriation from the Alabama Special Educational Trust Fund to the Randolph County Board of Education to be used to restore or replace the Folsom Junior High School which was damaged by fire.

JOHN W. PEMBERTON,  
Clerk.



## BILL RECONSIDERED

On motion of Mr. Edwards, the Senate reconsidered the vote by which the Bill, H. B. 1050, as amended, was passed.

On motion of Mr. Edwards, the Senate reconsidered the vote by which the Bill, H. B. 1050, as amended, was ordered to its third reading.

On motion of Mr. Edwards, the Senate reconsidered the vote by which the Committee substitute, as amended, for the Bill, H. B. 1050, was adopted.

On motion of Mr. Edwards, the Senate reconsidered the vote by which the Edwards amendment to substitute was adopted.

On motion of Mr. Edwards, said amendment was laid on the table.

And the substitute for the Bill, H. B. 1050, was then adopted by the Senate.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 1050, as thus amended by the substitute, was again read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

COMMUNICATION FROM THE SUPREME COURT  
THE STATE OF ALABAMA—JUDICIAL DEPARTMENT  
THE SUPREME COURT OF ALABAMA  
OCTOBER TERM, 1977-78

To the Members of the Senate  
State Capitol  
Montgomery, AL 36130

Dear Mesdames and Sirs:

Yesterday, we received your Senate Resolution 440 (a copy of which is attached), in which you requested our opinions relative to "H. B. 990, as substituted in the Senate, of the 1978 Regular Session," (a copy of which is also attached) which bill pertains to creating the office of Assistant Judge of

Probate of Jefferson County, Alabama, and provides for his appointment, qualifications, duties and benefits. The questions you have posed and our answers are as follows:

"1. Does this bill propose a local law violative of Article 4, Section 105 of the Constitution?"

Our answer is No, so far as we have been able to determine.

"2. Does Section 1 of this bill contravene Section 6.13 of Amendment No. 328 to the Constitution?"\*

Our answer is yes.

"3. Does Section 1 of this bill contravene that provision of Section 6.14 of Amendment No. 328 to the Constitution which provides in pertinent part that: 'Vacancies in any judicial office shall be filled by appointment by the governor?' "\*\*

Our answer is yes.

"4. Do the provisions of the bill provide for an unconstitutional delegation of judicial power in contravention of Amendment No. 328 to the Constitution?"

In view of the answers we have already given to questions 2, and 3, it does not appear to us that it is necessary to answer this question. Moreover, the question is altogether too general, pertaining to the whole of "The Judicial Article."\*

We shall now elaborate on our answers.

With respect to our answer to question 1, clearly this bill does propose a "local law" as that term is defined in § 110 of the Constitution, being "a law which applies to any political subdivision or subdivisions of the state less than the whole," namely, Jefferson County. However, the prohibition of § 105 is that

"No special, private, or local law, except a law fixing the time of holding courts, shall be enacted in any case which is provided for by a general law,"

Whether this local law is prohibited by § 105, depends, then on whether there is a general law providing for the creation of the office of Assistant Judge of Probate. In the limited time which we have had to search the statutes, we have not been able to find any provision of general law providing for such an office as Assistant Judge of Probate. Assuming that this office is not "provided for by" the general law pertaining to the office of Probate Judge [§ 12-13-30 to § 12-13-70], we answer this question in the negative.

With respect to our answer to question 2, § 6.13 of amendment No. 328 to the Constitution ("The Judicial Article") states:

"All judges shall be elected by vote of the electors within the territorial jurisdiction of their respective courts."

This bill contravenes that section because it provides for the appoint-

\*See *Opinion of the Justices*, 280 Ala. 653, 197 So. 2d 456 (1967) where a similar question was answered in the affirmative with respect to then existing constitutional provisions.

ment of the Assistant Judge of Probate in Jefferson County by the Judge of Probate.

With respect to our answer to question 3, § 6.14 of amendment No. 328 specifically provides:

"Vacancies in any judicial office shall be filled by appointment by the governor; however, vacancies occurring in any judicial office in Jefferson County shall be filled as now provided by Amendments 83 and 110 to the Constitution of Alabama of 1901 . . ."

Amendments 83 and 110 are not applicable to the office of Judge of Probate. *Opinion of the Justices*, 280 Ala. 653, 197 So. 2d 456 (1967). Therefore, it appears to us such appointment would have to be made by the governor.

Yours sincerely,

C. C. TORBERT,  
Chief Justice.

JAMES N. BLOODWORTH,

HUGH MADDUX,

RENEAU P. ALMON,

JANIE L. SHORES,

ERIC EMBRY,

SAM A. BEATTY,

Associate Justices.

#### OPINION RENDERED

The foregoing Communication from the Supreme Court of Alabama was read and ordered spread upon the Journal.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Johnstone:

H. J. R. 630. On all days when either Chamber of the Alabama State Legislature convenes, the cafeteria in the Capitol Building must remain open to serve food as long as either chamber continues to meet, but not later than 6:00 in the evening.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 630, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Edwards and Plaster:

H. J. R. 631. COMMENDING DONALD W. FREEMAN OF LOWNDES COUNTY, ALABAMA, "OUTSTANDING PORK PRODUCER OF THE YEAR."

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 631, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended the bill therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 367. To amend Section 36-22-16 of the Code of Alabama, 1975, to provide for the compensation of the sheriffs of the several counties in this state.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Powell, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 367, the title of which is set out in the foregoing Message from the House, to-wit:

## AMENDMENT TO SUBSTITUTE FOR S. B. 367

Amend Substitute for Senate Bill 367 by deleting the period after the word "law" on line 33 and adding the following:

"by general or local act heretofore or hereafter enacted."

## SUBSTITUTE FOR S. B. 367

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 36-22-16 of the Code of Alabama, 1975, to provide for the compensation of the sheriffs of the several counties in this state.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-22-16 of the Code of Alabama, 1975, is hereby amended to read as follows:

"§ 36-22-16. COMPENSATION.

"(a) Sheriffs of the several counties in this state shall be compensated for their services by an annual salary payable in equal installments out of the county treasury as the salaries of other county employees are paid. The annual salary of the sheriff shall depend on the number of inhabitants of the county, as shown by the most recent federal decennial census of population of the county, and shall be in such amount as shall be prescribed by law. be \$20,000.00, commencing with the next term of office, unless a higher or lower salary is specifically provided for by law.

"(b) Such salary shall be in lieu of all fees, compensation, allowances, percentages, charges and costs, except as otherwise provided in this section. by law. The sheriff and his deputies shall, however, be entitled to collect and retain such mileage and expense allowances as may be payable according to law for returning or transferring prisoners and insane persons to or from points outside the county."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (S), McMillan, Mitchell, Noonan, Owen, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—26

*Nays:*

—0

## REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of the Honorable Charles Woods to the Board of Trustees of the University of South Alabama.

On motion of Mr. Perry, the appointment of Mr. Woods to the Board of Trustees of the University of South Alabama was confirmed by the Senate.

Yeas 25; Nays 0.

*Yeas:*

Messrs Bank, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones,

Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Ernest G. Cleverdon to the Board of Trustees of the University of South Alabama.

On motion of Mr. Noonan, the appointment of Mr. Cleverdon to the Board of Trustees of the University of South Alabama was confirmed by the Senate.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Proctor, Roberts, St. John, Stewart, Teague, Vacca, Wilson.

—27

*Nays:*

—0

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Arthur P. Cook to the Board of Trustees of the University of South Alabama.

On motion of Mr. Gilmore, the appointment of Mr. Cook to the Board of Trustees of the University of South Alabama was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—30

*Nays:*

—0

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Hubert Bruister to the Board of Trustees of the University of South Alabama.

On motion of Mr. Foshee, the appointment of Mr. Bruister to the Board of Trustees of the University of South Alabama was confirmed by the Senate.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—25

*Nays:*

—0

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 601. URGING THE ALABAMA HIGHWAY DEPARTMENT TO SCHEDULE A PROMPT UNDERTAKING OF THE PROPOSED MOUNT OLIVE CHURCH INTERCHANGE ON I-59, JEFFERSON COUNTY.

On motion of Mr. Ellis, said Resolution was then concurred in and adopted by the Senate.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, Goodwin, Jones, King, Little, McDonald (S), Mitchell, Noonan, Owen, Peden, Perloff, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—27

*Nays:*

—0

## BILLS ON THIRD READING RESUMED

The Bill:

H. 184. To authorize municipalities which retain their municipal courts to retain funds collected as "fair trial tax" and to use such funds to defray the costs of providing representation for indigent defendants in their courts; to require that such municipalities remit to the state treasury any funds collected as "fair trial tax" which are not used in providing representation for indigent defendants in their courts, notwithstanding the provisions of Article 5, Chapter 19, Title 12, Code of Alabama, 1975; to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—30

*Nays:*

—0

### REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 583. NAMING THE PERFORMING ARTS-CLASSROOM BUILDING PRESENTLY UNDER CONSTRUCTION AT JACKSONVILLE STATE UNIVERSITY, "ERNEST STONE HALL."

H. J. R. 38. REQUIRING STATE EMPLOYEES USING STATE MOTOR VEHICLES TO PURCHASE GASOLINE AT SELF-SERVICE GASOLINE PUMPS

H. J. R. 434. REQUESTING THE HIGHWAY DEPARTMENT TO ERECT AND INSTALL, AS ALLOWABLE WITHIN FEDERAL REGULATIONS AND GUIDELINES, SIGNS AND MARKERS ON INTERSTATE AND OTHER HIGHWAYS LEADING INTO BIRMINGHAM, ALABAMA, DIRECTING MOTORISTS TO THE FARMER'S MARKET.

H. J. R. 582. REQUIRING THE HIGHWAY DEPARTMENT OF THE STATE OF ALABAMA TO ERECT PROPER SIGNS ON I-20 INDICATING THE ANNISTON EXITS.

H. J. R. 424. NAMING A PORTION OF ALABAMA HIGHWAY 68, THE "J. B. BURKHALTER HIGHWAY."

H. J. R. 425. NAMING COUNTY ROAD 102 IN CHEROKEE COUNTY, ALABAMA, THE "VICKIE DAVIS MACKEY ROAD."

H. J. R. 426. NAMING THE INTERSECTION OF U. S. 411 AND COUNTY ROADS 31 AND 13, THE "JORDONS CROSSROADS."

H. J. R. 589. MEMORIALIZING CONGRESS IN OPPOSITION TO CHANGE IN FREQUENCY OF DEPOSITS OF SOCIAL SECURITY CONTRIBUTIONS.

H. J. R. 588. URGING PRESIDENT CARTER'S SUPPORT OF H. R. 6782, THE EMERGENCY AGRICULTURAL ACT OF 1978, NOW PENDING IN THE UNITED STATES CONGRESS.

H. J. R. 543. NAMING THE DULY APPOINTED "LIVE IN A LANDMARK" COUNCIL MEMBERS AS THE BOARD OF DIRECTORS; AUTHORIZING STATE AND REGIONAL COUNCILS TO ELECT OFFICERS AND SELECT BOARD MEMBERS; AUTHORIZING THE "LIVE IN A LANDMARK" COUNCIL TO DISTRIBUTE TECHNICAL MATERIAL AND PLAQUES; ENCOURAGING THE "LIVE IN A LANDMARK" COUNCIL TO ACCEPT MEMBERSHIPS IN EVERY COUNTY IN ALABAMA.



H. J. R. 55. COMMENDING JERRY BOBO, FAYETTE COUNTY HIGH SCHOOL BAND DIRECTOR.

H. J. R. 56. HONORING MISS BESS SAVAGE FOR FORTY YEARS OF MERITORIOUS SERVICE WITH THE FAYETTE COUNTY DEPARTMENT OF PENSIONS AND SECURITY.

H. J. R. 57. COMMENDING THE REVEREND BRYON WHITE, OUTSTANDING RELIGIOUS LEADER.

S. R. 43. RELATING TO THE DEPLORABLY DANGEROUS CONDITIONS ON U. S. HIGHWAY 80.

S. J. R. 428. EXPRESSING THE CONCURRENCE OF THE LEGISLATURE AND ITS SUPPORT OF THE DECISIONS OF THE EDUCATION COMMISSION OF THE STATES' TASK FORCE ON RESPONSIBLE DECISIONS ABOUT ALCOHOL.

On motion of Mr. Teague, the Resolution, H. J. R. 583, was concurred in and adopted by the Senate.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Peden, Perry, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—26

*Nays:*

—0

On motion of Mr. Ellis, the Resolution, H. J. R. 38, was concurred in and adopted by the Senate.

Yeas 20; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, King, Little, McDonald (A), McDonald (S), Mims, Noonan, Perry, Proctor, St. John, Shelby, Vacca.

—20

*Nay:* Mr. McMillan.

—1

On motion of Mr. Fine, the Resolutions, H. J. R.'s 434, 582, 424, 425, 426, 589, 588, 543, 55, 56, and 57, were concurred in and adopted by the Senate.

On motion of Mr. Fine, the Resolutions, S. R. 43 and S. J. R. 428, were adopted by the Senate.

### BILLS ON THIRD READING RESUMED

The Bill:

H. 308. To amend Section 12-16-2, Code of Alabama 1975, which relates to persons exempted from jury duty, so as to exempt only practicing attorneys and judges.

was taken up.

Mr. St. John offered the following substitute for the Bill, H. B. 308, to-wit:

SUBSTITUTE FOR H. B. 308

A BILL  
TO BE ENTITLED  
AN ACT

To provide for the qualifications and selection of jurors; to provide for a master list, master jury box and trial court box; to provide for qualification forms and the questionnaires to be used thereon; and to repeal Sections 12-16-2, 12-16-4, 12-16-37, 12-16-39, 12-16-41, 12-16-42, and 12-16-43 of the Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Declaration of Policy. It is the policy of this state that all persons selected for jury service be selected at random from a fair cross section of the population of the area served by the court and that all qualified citizens have the opportunity in accordance with this act to be considered for jury service in this state and an obligation to serve as jurors when summoned for that purpose.

Section 2. Prohibition of Discrimination. A citizen shall not be excluded from jury service in this state on account of race, color, religion, sex, national origin, or economic status.

Section 3. Master List. (a) The jury commission for each county shall compile and maintain an alphabetical master list of all persons in the county who may be called for jury duty, with their addresses and any other necessary identifying information. The list may include all registered voters, utility customers, persons listing property for ad valorem taxation, persons holding driver's licenses and registering motor vehicles, and other lists which will include persons whose listing will foster the policy and protect the rights provided in Section 1 and 2 hereof. The list shall avoid duplication of names. The list shall be reviewed and corrected and new names added from time to time but at least every four years.

(b) Whoever has custody, possession or control of any lists used in compiling the master list shall make the list available to the jury commission for inspection, reproduction, and copying at all reasonable times.

(c) The master list shall be open to the public for inspection at all reasonable times.

Section 4. Master Jury Box. (a) The name of every person on the master list shall be set forth on a card listing the name or identifying number as a prospective juror, and the cards shall be placed in the master jury box as provided in this section.

(b) The number of prospective jurors to be placed in the master jury box shall be 1,000 plus one percent of the total number of names on the master list. From time to time additional prospective jurors may be placed in the master jury box as determined by the jury commission or ordered by the circuit court. In July of each even numbered year, the master jury box shall be emptied and refilled as herein prescribed.

(c) The names or identifying numbers of prospective jurors to be placed

in the master jury box shall be selected by the jury commission at random from the master list as follows:

The total number of names on the master list shall be divided by the number of names to be placed in the master jury box and the whole number next greater than the quotient shall be the "key number," except that the key number shall never be less than two. A "starting number" for making the selection shall then be determined by a random method from the numbers one to the key number, both inclusive. The required number of the names shall then be selected from the master list by taking in order the first name on the master list corresponding to the starting number and then successively the names appearing on the master list at intervals equal to the key number, recommencing if necessary at the start of the list until the required number of names has been selected. Upon recommencing at the start of the list, or if additional names are subsequently to be selected for the master jury box, names previously selected from the master list shall be disregarded in selecting additional names.

Section 5. Drawings from master jury box and completion of juror qualification forms. (a) From time to time and in a manner prescribed by the Circuit Court, the jury commission shall publicly draw at random from the master jury box the names or identifying numbers of as many prospective jurors as the court orders. Neither the names drawn nor any list thereof shall be disclosed to any person other than pursuant to this act or specific order of the court. The jury commission shall mail to every prospective juror whose name is drawn from the master jury box a juror qualification form accompanied by instructions to fill out and return the form to the jury commission within 10 days after its receipt.

(b) The juror qualification form shall be prepared by the Supreme Court of Alabama and shall elicit the name, age and address of the prospective juror, and whether or not the prospective juror:

- (1) Is a citizen of the United States;
- (2) has been a resident of the county for twelve months;
- (3) is able to read, speak, understand and follow instructions given by a judge in the English language;
- (4) has lost the right to vote by conviction for any offense involving moral turpitude.

Multiple forms shall be prepared, and new forms shall be added at least every two years. The particular form mailed to the prospective juror shall be drawn at random in order that the answers on the forms will test the ability of the juror to follow judicial instructions and not mere rote memory.

(c) The juror qualification form shall contain the prospective juror's declaration that the responses are true to the best of the knowledge of the juror. If the prospective juror is unable to fill out the form, another person may do so for the juror, and shall indicate on the form who filled it out and the reason therefor.

(d) If there is an omission, ambiguity or error in a returned form, the commission shall again send a form to the prospective juror with instructions to make the necessary additions, clarification or correction and return the form within 10 days of its receipt.

(e) In the event any prospective juror fails to return a completed juror

qualification form as instructed by the commission, the commission shall notify the prospective juror to appear forthwith before the commission to fill out properly the juror qualification form. At the time of the appearance of the juror before the commission, the juror may be required to fill out another form, and may be questioned with regard to the responses to the questions contained on the form and the grounds for excuses or disqualification. Any information thus acquired shall be noted on the form.

(f) In the event any prospective juror fails to return a completed juror qualification form as instructed by the commission, or fails to appear before the commission, the name of such prospective juror may be certified to the court to appear and show cause for such failure. If the prospective juror fails to appear pursuant to the court's order, or fails to show good cause for failure to follow instructions of the commission, such prospective juror shall be guilty of criminal contempt of court, and upon conviction shall be punished accordingly.

(g) Any person who willfully misrepresents a material fact on a juror qualification form for the purpose of securing or avoiding service as a juror shall be guilty of a misdemeanor, and upon conviction therefor, shall be punished accordingly.

**Section 6. Qualification for Jurors.** (a) A prospective juror is qualified to serve on a jury if the juror is generally reputed to be honest and intelligent and is esteemed in the community for integrity, good character and sound judgment and also:

(1) Is a citizen of the United States and a resident of the county for more than 12 months, over the age of 19 years;

(2) Is able to read, speak, understand, and follow instructions given by a judge in the English language;

(3) Is capable by reason of physical and mental ability to render satisfactory jury service, and is not afflicted with any permanent disease or physical weakness whereby the juror is unfit to discharge the duties of a juror;

(4) Has not lost the right to vote by conviction for any offense involving moral turpitude.

(b) The jury commission shall determine on the basis of information provided on the jury qualification form, or interviews with the prospective juror or other competent evidence:

(1) If the prospective juror is qualified. If so, the name or identifying number of the juror shall be placed in the trial court jury box.

(2) If not, the commission shall notify the prospective juror of its decision and certify the juror's name to the court as disqualified. The juror shall have 10 days within which to appear before the court to review such decision. If the court finds such juror to be qualified, the court shall so certify to the commission. If the juror fails to appear, or the court finds such juror not qualified, the court shall so certify to the commission.

(c) In any event, the jury commission shall enter on the master list the ultimate determination of the qualification of each juror.

**Section 7. Trial Court Jury Box.** The jury Commission shall maintain a trial court jury box and shall place therein the name or identifying numbers

of all prospective jurors drawn from the master jury box who are not disqualified.

Section 8. Exemptions. No qualified prospective juror is exempt from jury service.

Section 9. Excuses for jury service. (a) The court, upon request of a prospective juror or on its own initiative, shall determine on the basis of information provided on the juror qualification form or interview with the prospective juror or other competent evidence whether the prospective juror should be excused from jury service. The jury commission shall enter this determination on the juror qualification form and the master list.

(b) A person who is not disqualified for jury service (Section 8) may be excused from jury service by the court only upon a showing of undue hardship, extreme inconvenience, or public necessity, for a period the court deems necessary, at the conclusion of which the person shall reappear for jury service in accordance with the court's direction.

Section 10. Preservation of Records. All records and papers compiled and maintained by the Jury commission in connection with the selection and service of jurors shall be preserved by the jury commission for 4 years after the master jury box used in their selection is emptied and refilled and for any longer period ordered by the court.

Section 11. Repeal of specific sections of Code. Sections 12-16-2, 12-16-4, 12-16-37, 12-16-39, 12-16-41, 12-16-42 and 12-16-43 of the Code of Alabama 1975 are hereby expressly repealed.

Section 12. General Repeal Section. All laws and parts of laws in conflict with the provisions of this act are to the extent of such conflict hereby repealed.

Section 13. Severability. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. Effective Date. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Edwards offered the following amendment to the substitute for the Bill, H. B. 308, to-wit:

#### AMENDMENT TO SUBSTITUTE FOR H. B. 308

Amend House Bill No. 308 Page 2 Line 7, by striking out "May" after the word "list" and substitute therefor the word: "shall"

Which was adopted.

Yeas 21; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee,

Gilmore, Goodwin, King, Little, McMillan, Owen, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—21

*Nays:*

—0

And said substitute, as thus amended, was then adopted by the Senate.

Yeas 16; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Little, McMillan, Noonan, Owen, St. John, Stewart, Teague.

—16

*Nays:*

—0

And said Bill, H. B. 308, as thus amended by the substitute, was read a third time at length and passed.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Little, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Perloff, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—26

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 425. To amend Sections 12-260 and 12-266 of Title 40, Code of Alabama 1975, and Act No. 35, Acts of Alabama, Regular Session, 1945, in order to provide for the report of change of ownership of a previously licensed motor vehicle and for the record of transfer of a motor vehicle license tag to be made to the Probate Judge of the County where the owner resides; to exempt licensed motor vehicle dealers from filing such reports of change of ownership for vehicles held for sale; to provide procedures to be followed in making such reports and records; to increase the fee charged by the Probate Judge for recording the change of ownership of a motor vehicle to one dollar (\$1.00).

Also:

S. 451. To amend Section 22-21-70 of the Code of Alabama 1975 so as to expand the definition of the term "hospital" contained in said section to include facilities to provide offices for persons engaged in the diagnosis, treatment or cure of sick and injured persons and to house or service equipment used for the diagnosis, treatment or cure of sick or injured persons or the records of such diagnosis or treatment or research with respect to any of the foregoing and to include parking facilities, areas or structures appurtenant to any facilities included within the meaning of the term "hospital."

JOHN W. PEMBERTON,  
Clerk.

## RESOLUTION

Messrs. Gilmore, Wilson, Clemon, Pearson, Ellis, Proctor, McMillan, and Vacca offered the following Senate Joint Resolution, to-wit:

S. J. R. 450. NAMING THE INDUSTRIAL TRAINING CENTER TO BE CONSTRUCTED AT BESSEMER STATE TECHNICAL COLLEGE, "MILLSAP INDUSTRIAL TRAINING CENTER."

WHEREAS, Mr. Robert Millsap has served as Chairman of Bessemer State Technical College's Advisory Council since 1965, and has contributed many hours of his time in the development of the College in providing leadership with business and industry representatives; and

WHEREAS, it was through his efforts and dedication for Trade and Technical Education that brought about the establishment of Bessemer Trade School through state officials and the Trade School and Junior College Authority in 1962-1963; Mr. Millsap, as Chairman, gained the citizens' support of contributions to obtain the property where the College is located; and

WHEREAS, he has served on the Governor's Advisory Committee and is past president of the Bessemer Board of Education and Bessemer Chamber of Commerce; and

WHEREAS, since 1965 Bessemer State Technical College has grown to become the largest Technical College in the State of Alabama serving over 2200 students in technical training; and

WHEREAS, construction will begin in the spring of 1978 for an Industrial Training Center with the opening and dedication to be held in the fall; this new center will serve specialized training for business and industry; and

WHEREAS, to honor Mr. Robert Millsap, the College's Advisory Council has approved the designation of this facility as, "Millsap Industrial Training Center"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Industrial Training Center to be constructed at Bessemer State Technical College is hereby named and designated as, "Millsap Industrial Training Center."

BE IT FURTHER RESOLVED, That proper authorities are directed to cause appropriate signs and markers to be erected and maintained in so designating said facility as, "Millsap Industrial Training Center."

On motion of Mr. Gilmore, the Rules were suspended and the Resolution was adopted by the Senate.

## FURTHER CONSIDERATION OF H. B. 13

The Senate proceeded to further consideration of the Bill, H. B. 13.

Mr. Gilmore offered the following amendment to the Bill, H. B. 13, to-wit:

## AMENDMENT TO H. B. 13

Amend H. B. 13, page 5, lines 10 & 11 by striking out "as provided in

Article 2 of Chapter 7 of Title 36 of this Code" after the word "reimbursed" on line 10.

Further amend H. B. 13 by deleting the words and figures "Section 34-29-9" on page 6 and insert in lieu thereof the following: "Section 34-27-9".

Which was adopted.

Yeas 28; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Proctor, St. John, Shelby, Stewart, Teague, Vacca.

—28

*Nays:*

—0

And said Bill, H. B. 13, as thus amended, was read a third time at length and passed.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Proctor, Roberts, St. John, Shelby, Stewart, Teague.

—27

*Nays:*

—0

#### MOTION TO ADJOURN LOST

At 5:35 P.M., Mr. Peden moved that the Senate adjourn until Monday, April 24, 1978, at 9 o'clock A.M.

Mr. Fine offered a substitute motion that the Senate adjourn until Monday, April 24, 1978, at 2 o'clock P.M., which motion was lost.

The question recurred on the motion of Mr. Peden, and said motion was lost.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 181. To amend Section 5-2-10, 5-2-120, 5-2-123, 5-2-125, 5-17-1, 5-17-8, 5-17-17, 5-17-19, 5-17-20, 5-17-2 as amended by Section 3 of Act No. 210, Regular Session 1977, and Section 5-17-11 as amended by Section 1 of Act No. 210, Regular Session 1977, Code of Alabama 1975, all of which provide for credit unions in Alabama, so as to provide for enactment of regulations by the State Banking Department, appointment of members of the Credit Union Board of the Bureau of Credit Unions by the governor,



procedures for adoption of rules and regulations by the Superintendent of Banks, hearing on charter revocations, election of officers, reserves and insurance requirements, and elimination of unnecessary language.

Also:

S. 279. To provide that the Commissioner of the Revenue Department may enter into reciprocal agreements on behalf of the State of Alabama with the duly authorized representatives of any of the States of the United States, the District of Columbia, or a State or Province of a foreign country, or a territory or possession of either the United States or of a foreign country, to provide for the registration of vehicles on an apportionment or allocation basis; to become a member of the International Registration Plan developed by the American Association of Motor Vehicle Administrators; to authorize the Commissioner of the Revenue Department to promulgate and enforce such rules and regulations necessary to carry out such agreements; to declare the provisions of this Act severable; and to set the date upon which this Act will become effective.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 739. To amend Section 3 (g) of Act No. 352, approved August 23, 1957, now appearing in Section 9-17-83 (7) Code of Alabama 1975, relating to the unit operation of a field for the production of oil or gas so as to provide further for such unit operation in production from the Lower Cretaceous geological formation between depths of 10,500 feet and 11,500 feet subsea in which tertiary recovery methods are utilized.

JOHN W. PEMBERTON,  
Clerk.

#### BILLS ON THIRD READING RESUMED

The Bill:

H. 342. To amend the Code of Alabama 1975, sections 40-16-1, 40-16-3, 40-16-4, and 40-16-5, so as to qualify the common parent corporation of a controlled group of financial institutions recognized as a registered bank holding company, as a financial institution as defined in the Code of Alabama 1975, Financial Institution Excise Tax, section 40-16-1, for excise tax purposes and thus exempt from income taxes; so as to prevent taxation of intercompany dividends within such a controlled group of corporations; so as to change the due date of the return required by the department of revenue from within the first 10 days of April in each year, to April 15 of each year; so as to permit qualified controlled corporate groups currently required to file Alabama excise tax returns on a separate basis to file on a consolidated basis; so as to establish a prima facie liability for the amount of excise tax due in accordance with the amount shown to be due by the taxpayer's return; so as to change the due date for the payment of the excise tax assessed from within 30 days of notice of assessment by the department of revenue to April 15 of each year, to provide an interest penalty upon delinquent unpaid balances after

April 15, and to provide installment payments in the case of an extension of the due date of the return; so as to provide a statutory period of limitations upon assessment and collection of excise taxes; so as to repeal conflicting laws; and so as to give this Act retroactive effect.

Was read a third time at length and passed.

Yeas 23; Nays 0.

Abstaining 1.

*Yeas:*

Messrs. Adams, Baker, Ellis, Fine, Foshee, Gilmore, Higginbotham, Jones, King, Little, McDonald (S), McMillan, Mims, Noonan, Owen, Perloff, Perry, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop.

—23

*Nays:*

—0

*Abstaining:* Mr. St. John.

—1

Mr. Fine moved that the Senate reconsider the vote by which the Bill, H. B. 342, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

## RESOLUTION

Mr. Shelby offered the following Senate Joint Resolution, to-wit:

S. J. R. 451. CONGRATULATING REPRESENTATIVE PETE TURNHAM UPON BEING SELECTED AS CHAIRMAN OF THE SOUTHERN STATES ENERGY BOARD AND APPROVING THE ATTENDANCE OF SELECTED MEMBERS OF THE ALABAMA LEGISLATURE TO THE JUNE 1978 MEETING OF THE SOUTHERN STATES ENERGY BOARD.

WHEREAS, the Alabama Legislature is honored to learn that one of its members, the Honorable Pete Turnham, is serving as the present chairman of the Southern States Energy Board; and

WHEREAS, the matter of conservation, use, and production of energy continues to be one of the most vital issues confronting the Legislature; and

WHEREAS, it is in the best interest of the State of Alabama to be fully informed in the matter of energy conservation, use, and production; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Speaker of the House of Representatives appoint three members of that body and that the presiding officer of the Senate appoint three members of that body to attend the June 1978 annual meeting of the Southern States Energy Board; and that they be reimbursed for the ordinary and necessary expenses in attending this important meeting from funds appropriated to the use of the Alabama Legislature upon certification of the Clerk of the House and Secretary of the Senate, respectively.

On motion of Mr. Shelby, the Rules were suspended and the Resolution was adopted.

## REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 615. VOICING THE ALABAMA LEGISLATURE'S STRENUOUS OPPOSITION TO NEW REGULATIONS OF THE FEDERAL BUREAU OF ALCOHOL, TOBACCO AND FIREARMS RELATING TO GUN CONTROL.

On motion of Mr. Fine, said Resolution was then concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 170. To make further appropriations of State Funds for the fiscal year ending September 30, 1978.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE ON CONFERENCE  
ON HOUSE BILL 170

We, the committee of conferees appointed to reconcile the differences between the two houses concerning the Bill, H. B. 170, have met and considered the matter referred and beg leave to report as follows:

Substitute House Bill 170 is attached.

JAMES G. SASSER,

J. GARY COOPER,

J. T. (JABO) WAGGONER, JR.,

Conferees on the part of the House.

JOHN M. BAKER,

SID McDONALD,

DONALD W. STEWART,

Conferees on the part of the Senate.

CONFERENCE COMMITTEE SUBSTITUTE  
FOR HOUSE BILL 170A BILL  
TO BE ENTITLED  
AN ACT

To make further appropriations of State Funds for the fiscal year ending September 30, 1978.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore or hereafter made from the state General Fund there is hereby appropriated from said fund for the fiscal year ending September 30, 1978 the following:

For transfer to the State Board of Corrections:

For salaries ..... \$2,600,000.00

For salaries, operation and maintenance at the new  
Draper facility ..... 1,100,000.00

For transfer to the Medical Services Administration:

For medical assistance through the Medicaid Program . 2,400,000.00

(Provided, however, that the above \$2,400,000 for the Medicaid Program shall only be expended after the Medicaid Services Administration has initiated a study of the feasibility of implementing additional cost containment measures.)

For the Unified Judicial Program ..... 2,800,000.00

For the State Health Department:

For the Hazardous Waste Control Program ..... 50,000.00

(Provided, however, that none of the above \$50,000 for the Hazardous Waste Control Program shall be expended unless and until the Act which authorizes such programs proposed by either House Bill 84 or Senate Bill 285, 1978 Regular Session, shall have become law.)

For the Department of Toxicology to implement the Forensic  
Pathology Program for North Alabama ..... 50,000.00

For the Department of Finance to implement the new  
Financial Management System ..... 200,000.00

For the Department of Public Safety:

For operations and maintenance and purchase of equipment  
and automobiles ..... 2,000,000.00

(Provided, however, that the above amount for the Department of Public Safety shall be conditional on the passage of adequate funds in the Act proposed by House Bill 244 for said Department for the succeeding fiscal year. The State Budget Officer shall determine how many additional troops can be afforded in the fiscal year ending September 30, 1979, and shall only release and the Department shall only spend so much of the above \$2,000,000 in the fiscal year ending September 30, 1978 as will allow the Department of Public Safety to hire the said determined number of troopers.)

For Alabama Travel Council:

For operations and maintenance and Fall Writers Tour 25,000.00

For the Parks Division of the Department of  
Conservation:

For salaries ..... 118,000.00

For maintenance of parks ..... 260,000.00

Total Parks Division ..... 378,000.00

(Provided that the above amount for maintenance shall include expenditures for roofing, painting, plumbing, electrical and structural repairs, contract services for air conditioning equipment servicing and inspection, boiler inspection and repairs, septic tank and grease trap cleaning, and other physical maintenance.)

For the Liquefied Petroleum Gas Board:

For operations and maintenance ..... 21,157.00

For the Legislature:

For salaries and general operations ..... 500,000.00

Section 2. In addition to all other appropriations heretofore or hereafter made from the Special Educational Trust Fund there is hereby appropriated from said fund for the fiscal year ending September 30, 1978 the following:

For the Health Department:

For the mumps immunization program ..... 200,000.00

Section 3. In addition to all other appropriations heretofore or hereafter made from the Marine Resources Fund there is hereby appropriated from said fund for the fiscal year ending September 30, 1978 the following:

For the Marine Resources Division:

For the purchase and installation of diesel engines for  
the Bertrum patrol boat ..... 35,000.00

Section 4. In addition to all other appropriations heretofore or hereafter made from the Lodgings Tax which is credited to the use of the Department of Publicity and Information there is hereby appropriated from said tax for the fiscal year ending September 30, 1978 the following:

For the Department of Publicity and Information:

For the state promotion program ..... 200,000.00

(Provided, however, that of the above amount for the promotion program the amount of \$15,000 shall be transferred to the Alabama Mountain Lakes Association to be used for operation and maintenance.)

Section 5. Should any word, phrase, clause, section or part of this Act be held to be unconstitutional, it shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Foshee, the Senate non-concurred in the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 170, the title of which and said Conference Report are set out in the foregoing Message from the House, and requested that the present Conference Committee be discharged and a new Conference Committee appointed.

Yeas 26; Nays 1.

*Yeas:*

Messrs. Adams, Bank, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Waldrop.

—26

*Nay:* Mr. McDonald (S).

—1

And the President and Presiding Officer of the Senate appointed as conferees on part of the Senate Messrs. Edwards, Little and McMillan.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 181. To amend Section 5-2-10, 5-2-120, 5-2-123, 5-2-125, 5-17-1, 5-17-8, 5-17-17, 5-17-19, 5-17-20, 5-17-2 as amended by Section 3 of Act No. 210, Regular Session 1977, and Section 5-17-11 as amended by Section 1 of Act No. 210, Regular Session 1977, Code of Alabama 1975, all of which provide for credit unions in Alabama, so as to provide for enactment of regulations by the State Banking Department, appointment of members of the Credit Union Board of the Bureau of Credit Unions by the governor, procedures for adoption of rules and regulations by the Superintendent of Banks, hearing on charter revocations, election of officers, reserves and insurance requirements, and elimination of unnecessary language.

U. W. CLEMON,  
Chairman.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 1101. Relating to Morgan County; levying in certain areas of such county a special county privilege license tax, paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3, and 40-23-4 of Code of Alabama 1975, as amended; providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the State Department of Revenue; prescribing penalties and fixing punishment for violation of this act.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the titles of which is set out in the foregoing Message from the House.

## BILLS ON THIRD READING RESUMED

The Bill:

H. 173. To revise and amend certain provisions of Chapter 10 of Title 17, Code of Alabama 1975, so as to provide for an absentee election manager" to fulfill the duties imposed by Chapter 10 relating to absentee voting. This bill makes optional the performance of these duties by the circuit register or clerk.

Was read a third time at length and passed.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), Mitchell, Noonan, Owen, Perry, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—24

*Nays:*

—0

## RECESS

At 6:25 P.M., on motion of Mr. Fine, the Senate took a recess until 8 o'clock this evening.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a new Committee

on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 170. To make further appropriations of State Funds for the fiscal year ending September 30, 1978.

and has discharged the House conferees.

And the Speaker of the House has appointed as a new Committee on the part of the House Messrs. Sasser, Pegues and Wyatt.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 169. To amend further Section 32-9-29 of the 1975 Code of Alabama; so as to provide an exemption for certain loads to be transported.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Fine, the Senate non-concurred in the following House amendment to the Bill, S. B. 169, the title of which is set out in the foregoing Message from the House, to-wit:

#### AMENDMENT TO SUBSTITUTE FOR SENATE BILL 169

Amend Substitute for Senate Bill 169, Section 1, (a), (1) beginning Line 27 to read as follows:

"(1) The director of the highway department or the official of the highway department designated by the director may, in his discretion, shall upon application and for good cause being shown therefor, issue a permit in writing authorizing the applicant to operate or move upon the state's public roads a vehicle or combination of no more than two vehicles and loads whose weight, width, length or height, or combination thereof, exceeds the maximum limit specified by law; provided, that the load transported by such vehicle or vehicles is of such nature that it is a unit which cannot be readily dismantled or separated; however, bulldozers, and similar construction equipment shall not be deemed readily separable for purposes of this chapter; and further provided, that no permit shall be issued to any vehicle whose operation upon the public roads of this state threatens to unduly damage a road or any appurtenances thereto.

and requested a Committee on Conference.

Yeas 18; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Edwards, Fine, Gilmore, Goodwin, Jones, Little,



McDonald (S), Mims, Noonan, Owen, Perloff, Proctor, St. John, Shelby, Stewart, Vacca.

—18

*Nays:*

—0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Fine, Peden, and Jones.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill and Senate Joint Resolution with the original Senate Bill and Senate Joint Resolution respectively, and finds same correctly enrolled, to-wit:

S. J. R. 422. PROVIDING A COMMON DATE FOR HOLDING ELECTIONS ON ALL CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1978 REGULAR SESSION OF THE LEGISLATURE WHEN A DATE NOT OTHERWISE SPECIFIED.

Also:

S. 113. To exempt Smith's Water Authority in Lee County, Alabama, from the provisions of Section 40-21-82 of the Code of Alabama of 1975, which levies a certain tax on the gross receipts and gross sales of certain utilities.

Also:

S. 144. To name the National Guard Armory now under construction in Opelika, Lee County, Alabama, "Fort Alfred C. Harrison."

Also:

S. 314. To amend Section 34-24-75 of the Code of Alabama, 1975, so as to provide for the issuing of limited certificates of qualification to practice medicine without examination to physicians enrolled in approved residency training programs.

Also:

S. 344. To amend the title and Section 7 of Act No. 584, H. 449 of the 1965 Regular Session (1965 Acts, p. 1080), so as to provide that it shall be unlawful for any person to use any facility operated and maintained by Bear Creek Development Authority without first obtaining a user permit authorizing such person or persons to use said facility; and to prescribe penalties for violations.

Also:

S. 424. Relating to motor vehicle dealers; providing for the licensing of motor vehicle dealers, reconditioners, or rebuilders, and wholesalers, providing for qualifications and fees, including the requirement that motor vehicle dealers have a State sales tax number; prescribing information to be included in application; requiring certain records to be kept; providing a penalty; providing for suspension or revocation of license; requiring a bond or evidence of net worth; providing for severability; providing an effective date.

Also:

S. 469. To amend Section 1 of Act No. 130, S. 15 of the Fourth Special Session of 1975 which provided for supplementing the compensation paid to retired or supernumerary circuit judges in the 37th Judicial Circuit so as to further restrict eligibility for such supplemental compensation.

Also:

S. 490. To make an emergency supplemental appropriation from the Alabama Special Educational Trust Fund to the Randolph County Board of Education to be used to restore or replace the Folsom Junior High School which was damaged by fire.

Also:

S. 554. Relating to the eighteenth judicial circuit; providing for an additional circuit court judge in such circuit and prescribing the duties, authority, and compensation of such judge.

Also:

S. 580. To further regulate the county supplemental allowances payable to the district attorney for the 8th Judicial Circuit.

Also:

S. 586. To authorize the execution of, and to give advance approval to, a compact between the State of Alabama and the State of Georgia to identify, acquire, own, transport, renovate, maintain, and exhibit historic or military articles, exhibits and attractions; to promote tourism throughout the Chattahoochee Valley; to establish a joint agency to be known as the Historic Chattahoochee Commission and other offices for the administration of the compact; to prescribe the authority, powers, duties and functions of the Commission and its members, officers, and committees; and to provide penalties for violation of certain provisions of the compact.

Also:

S. 614. Relating to Morgan County; further regulating the sheriff's compensation.

Also:

S. 615. Relating to Morgan County; providing a salary of \$20,000 for the Chairman of the County Commission and \$14,000 for each commissioner, effective after the present term.

Also:

S. 616. Relating to Morgan County; further regulating the compensation payable to the judge of probate.

Also:

S. 629. Relating to Lee County, to provide further for the salary of the sheriff and to repeal conflicting laws.

Also:

S. 700. Relating to Elmore County; to regulate and control the operation and licensing of massage parlors and to provide penalties for violation.

Also:

S. 710. Relating to Limestone County; to provide for an additional expense allowance for the court reporter of any judicial circuit composed only of Limestone County.

Also:

S. 748. Relating to Lawrence County; to provide for an expense allowance for the circuit judge of the circuit composed of Lawrence County, payable from the county treasury.

Also:

S. 774. Relating to Marion County, to authorize and require the county board of education to provide the superintendent of education an annual expense allowance; to provide retroactive effect; and to repeal conflicting laws.

Also:

S. 367. To amend Section 36-22-16 of the Code of Alabama, 1975, to provide for the compensation of the sheriffs of the several counties in this state.

Also:

S. 425. To amend Sections 12-260 and 12-266 of Title 40, Code of Alabama 1975, and Act No. 35, Acts of Alabama, Regular Session, 1945, in order to provide for the report of change of ownership of a previously licensed motor vehicle and for the record of transfer of a motor vehicle license tag to be made to the Probate Judge of the County where the owner resides; to exempt licensed motor vehicle dealers from filing such reports of change of ownership for vehicles held for sale; to provide procedures to be followed in making such reports and records; to increase the fee charged by the Probate Judge for recording the change of ownership of a motor vehicle to one dollar (\$1.00).

Also:

S. 451. To amend Section 22-21-70 of the Code of Alabama 1975 so as to expand the definition of the term "hospital" contained in said section to include facilities to provide offices for persons engaged in the diagnosis, treatment or cure of sick and injured persons and to house or service equipment used for the diagnosis, treatment or cure of sick or injured persons or the records of such diagnosis or treatment or research with respect to any of the foregoing and to include parking facilities, areas of structures appurtenant to any facilities included within the meaning of the term "hospital."

U. W. CLEMON,  
Chairman.

## SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing

bills, and Senate Joint Resolution, the titles of which are set out in the foregoing report from the Committee on Rules.

#### FURTHER CONSIDERATION OF H. B. 143

The Senate proceeded to further consideration of the Bill, H. B. 143.

The question was on the amendment offered by Mr. Clemon.

On motion of Mr. Fine, further consideration of said Bill, H. B. 143, and pending amendment was postponed until the next Legislative Day as Unfinished Business.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 160. To amend Sections 31-6-4, 31-6-5, and 31-6-6 of the Code of Alabama 1975, relating to the educational benefits for the children and the wives and widows of deceased or totally disabled veterans, to extend those benefits to the children or the wives or widows of all veterans whose death or permanent disabilities are service-connected; and to provide further for the requisite extent of disability for the granting of benefits to wives and children of disabled World War II veterans.

Also:

S. 562. To provide that any person who knowingly shows, exhibits, sells, distributes, or displays for sale, any obscene work to a minor, or who knowingly exhibits any obscene performance with knowledge that a minor is present in the audience, or who knowingly exhibits any obscene performance with reckless disregard as to whether a minor is present in an audience, or who knowingly exhibits any obscene performance where it is likely or probable that a minor is present in an audience, shall be guilty of a misdemeanor and shall be punished as provided herein, to provide exemptions from prosecution under this Act, to provide that a mistake as to the age of the minor shall constitute a defense to prosecution under certain circumstances, to provide for the extradition of persons charged with violations of this Act, to provide procedures for the issuance of search warrants for the seizure of allegedly obscene works, to provide procedures which comply with constitutional requirements for adversary hearings prior to trial on the question of the obscenity of works seized and to provide copies of works seized, to provide penalties for violation of Section 2 or 3 of this Act, to provide for the forfeiture of works used in any violation of Sections 2 or 3 of this Act, to repeal Sections 6320 and 6322 of Act No. 607, Acts of Alabama, 1977 Regular Session, to provide for the severability of any parts of this Act, to provide an effective date, and to provide definitions for the provisions of this Act.

JOHN W. PEMBERTON,  
Clerk.

#### FURTHER CONSIDERATION OF H. B. 137

The Senate proceeded to further consideration of the Bill, H. B. 137.

On motion of Mr. Gilmore, further consideration of said Bill, H. B. 137, was postponed until the next Legislative Day as Unfinished Business.

## BILLS ON THIRD READING RESUMED

The Bill:

H. 332. To amend Section 40-12-270 of the Code of Alabama 1975, so as to make further provisions as to the use of that portion distributed to the state of the proceeds of the motor vehicle license taxes and registration fees imposed by Division 1, Article 5 of Chapter 12, Title 40, Code of Alabama 1975, as amended.

Was read a third time at length and passed.

Yeas 22; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, Little, McDonald (S), McMillan, Mims, Noonan, Owen, Perloff, Perry, Proctor, Roberts, St. John, Stewart, Vacca, Waldrop.

—22

*Nays:*

—0

The Bill:

H. 333. To make further provision for the issuance of bonds by Alabama Highway Finance Corporation by (i) amending Section 23-1-177 of the Code of Alabama 1975 so as to limit to Twenty-five Million Dollars the principal amount of bonds (other than refunding bonds) authorized to be issued by the said corporation after February 1, 1978, and so as to provide that no bond issued under Article 7 of Chapter 1 of Title 23 of the said Code may mature later than twenty years from its date, (ii) supplementing the said Article 7 by the appropriation and pledge of funds necessary to pay the principal of and the interest on bonds issued after February 1, 1978, under the said Article 7, and specifying the rank or precedence of the pledges for the benefit of the said bonds, and (iii) repealing Section 9 of Act No. 228 adopted at the 1965 Regular Session of the Legislature.

Was read a third time at length and passed.

Yeas 22; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, Little, McDonald (S), McMillan, Mims, Noonan, Owen, Perloff, Perry, Proctor, Roberts, St. John, Stewart, Vacca, Waldrop.

—22

*Nays:*

—0

The Bill:

H. 334. To amend Article 1, Chapter 17 of Title 40 of the Code of Alabama 1975 (relating to the excise tax on motor fuel as defined in the said Article 1), so as to make further provision for the disposition of the proceeds of the tax levied thereby.

Was read a third time at length and passed.

Yeas 22; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, Little, McDonald (S), McMillan, Mims, Noonan, Owen, Perloff, Perry, Proctor, Roberts, St. John, Stewart, Vacca, Waldrop.

—22

*Nays:*

—0

The Bill:

H. 335. To amend Division 2, Article 2 of Chapter 17 of Title 40 of the Code of Alabama 1975 so as to make further provisions as to the distribution of the proceeds of the highway gasoline tax, as that term is defined in the said Division.

Was read a third time at length and passed.

Yeas 22; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, Little, McDonald (S), McMillan, Mims, Noonan, Owen, Perloff, Perry, Proctor, Roberts, St. John, Stewart, Vacca, Waldrop.

—22

*Nays:*

—0

The Bill:

H. 336. To amend Section 15 of Act No. 565 adopted at the 1976 Regular Session of the Legislature so as to clarify the said section; so as to provide that the pledges, provided for in the said Act No. 565, as amended by this act, of proceeds from certain taxes and fees as security for \$212,000,000 principal amount of obligations of Alabama Federal Aid Highway Finance Authority will be subject and subordinate not only to existing prior pledges but also to (i) all pledges of proceeds from the said taxes and fees that may hereafter be made as security for \$25,000,000 principal amount of bonds of Alabama Highway Finance Corporation and (ii) all pledges of the said proceeds that may be made after December 1, 1977, for the benefit of certain refunding bonds; and so as to delete the portion of the said Section 15 that provides for the pledge, for the benefit of obligations issued under the said Act No. 565, of the registration fee imposed by subdivision (5) of Section 37-3-32 of the Code of Alabama 1975.

Was read a third time at length and passed.

Yeas 22; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones,

Little, McDonald (S), McMillan, Mims, Noonan, Owen, Perloff, Perry, Proctor, Roberts, St. John, Stewart, Vacca, Waldrop.

—22

*Nays:*

—0

The Bill:

H. 443. To amend Section 36-22-17 of the Code of Alabama, 1975, to provide for the disposition of all fees, commissions, percentages, allowances, charges and court costs heretofore collectible for the use of the sheriff and his deputies.

Was read a third time at length and passed.

Yeas 23; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Goodwin, Higginbotham, Little, McDonald (S), Mims, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop.

—23

*Nays:*

—0

## RESOLUTIONS

Messrs. Fine, Adams, Baker, Bank, Clemon, Edwards, Ellis, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop and Wilson offered the following Senate Joint Resolution, to-wit:

S. J. R. 452. COMMENDING ROLAND NACHMAN ON HIS DISTINGUISHED LEGAL CAREER, AND EXPRESSING GRATITUDE FOR HIS MANY FAVORS TO THE SENATE.

WHEREAS, Mr. Roland Nachman of Montgomery is one of the most distinguished and highly respected members of the legal profession in Alabama; and

WHEREAS, Mr. Nachman is a cum laude graduate of Harvard University, from which he also received his Doctor of Jurisprudence degree; and

WHEREAS, He served with distinction in the Naval Intelligence Corps in World War II; and

WHEREAS, Roland Nachman was President of the Alabama Bar Association in 1973-74, from which organization he received a special award of merit; and

WHEREAS, Mr. Nachman is a director of the American Judicature Society, a member of the Board of Governors of the House of Delegates of the American Bar Association, and has served as Chairman of the Human Rights Commission on Prisons; and

WHEREAS, He has rendered valuable service to the Legislature and especially the Senate; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we do honor and commend the brilliant legal career of the Honorable Roland Nachman, who is truly a credit and a source of pride to the State of Alabama.

BE IT FURTHER RESOLVED That we do also express to Mr. Nachman, for the many services he has so graciously rendered to the Legislature, our profound gratitude.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Mr. Roland Nachman as an expression of our admiration and respect.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Fine, Adams, Baker, Bank, Clemon, Edwards, Ellis, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop and Wilson offered the following Senate Resolution, to-wit:

S. R. 453. COMMENDING ROLAND NACHMAN ON HIS DISTINGUISHED LEGAL CAREER, AND EXPRESSING GRATITUDE FOR HIS MANY FAVORS TO THE SENATE.

WHEREAS, Mr. Roland Nachman of Montgomery is one of the most distinguished and highly respected members of the legal profession in Alabama; and

WHEREAS, Mr. Nachman is a cum laude graduate of Harvard University, from which he also received his Doctor of Jurisprudence degree; and

WHEREAS, He served with distinction in the Naval Intelligence Corps in World War II; and

WHEREAS, Roland Nachman was President of the Alabama Bar Association in 1973-74, from which organization he received a special award of merit; and

WHEREAS, Mr. Nachman is a director of the American Judicature Society, a member of the Board of Governors of the House of Delegates of the American Bar Association, and has served as Chairman of the Human Rights Commission on Prisons; and

WHEREAS, He has rendered valuable service to the Legislature and especially the Senate; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, That we do honor and commend the brilliant legal career of the Honorable Roland Nachman, who is truly a credit and a source of pride to the State of Alabama.

BE IT FURTHER RESOLVED That we do also express to Mr. Nachman, for the many services he has so graciously rendered to the Legislature, our profound gratitude.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Mr. Roland Nachman as an expression of our admiration and respect.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.



## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Campbell:

H. J. R. 637. DIRECTING THAT THE CAPITOL GRILL BE OPEN ON ALL DAYS THAT THE LEGISLATURE IS IN SESSION, INCLUDING LEGAL HOLIDAYS IN THE STATE OF ALABAMA.

WHEREAS, the Capitol Grill was closed on April 13, 1978, a day that the Alabama Legislature was in session; and

WHEREAS, in addition to the members of the Legislature, there were numerous others who, by virtue of the nature of their duties, were required to work even though said date was a legal holiday in the State of Alabama; and

WHEREAS, many other of our state's citizens were present in the Capitol on that day; and

WHEREAS, as a result of the Capitol Grill's being closed, it was mandatory for all members of the Legislature, state employees and visitors alike to leave the Capitol Grounds in order to obtain meals, a gross inconvenience and unnecessary waste of time; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby direct that the Capitol Grill remain open on all days that the Legislature is in session, including State Holidays, until 6:00 o'clock P.M. or until the hour the legislature has adjourned, whichever is earlier. Provided, however, that the Capitol Grill will not close prior to their normal closing hour.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 637, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## BILLS ON THIRD READING RESUMED

The Bill:

H. 375. To provide for the slaughtering, inspecting, or processing for human consumption of any domestically raised rabbit.

was taken up.

The Standing Committee on Agriculture reported the following substitute for the Bill, H. B. 375, to-wit:

SENATE AGRICULTURE COMMITTEE  
SUBSTITUTE FOR HOUSE BILL NO. 375

A BILL  
TO BE ENTITLED  
AN ACT

To provide for the sale of domestically raised rabbits, the slaughtering,

dressing, processing, inspection, packaging and labeling for the sale of rabbit meat for human consumption; to authorize inspection services for the killing, butchering, processing, packaging and labeling of domesticated rabbits, rabbit meat and rabbit meat food products on a voluntary basis; to authorize the Commissioner of Agriculture and Industries to enter into agreements for inspection of domestically raised rabbits for the sale of rabbit meat and rabbit meat food products for human consumption; to authorize the levying of an inspection fee or charge to defray the cost and expenses of inspection for wholesomeness of rabbit meat and rabbit meat food products; to provide for the adoption of rules and regulations to effectuate the intent and purpose of this Act; and to authorize the expenditure of funds that may hereafter be available to carry out the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Any rule, regulation, or promulgation of the health department or the department of conservation and natural resources to the contrary notwithstanding, any domestically raised rabbit may be slaughtered, butchered, processed, packaged, labeled and inspected for sale as human food at any slaughterhouse, abattoir, meat packing plant, processing plant or like facility in this State approved by the Commissioner of Agriculture and Industries pursuant to the requirements of this Act as hereinafter authorized.

Section 2. The State Board of Agriculture and Industries is hereby authorized to promulgate and adopt rules and regulations providing for inspection for wholesomeness of domestically raised rabbits, rabbit meat and rabbit meat food products at any adequately equipped meat, or meat food products slaughtering or processing plant or establishment where domesticated rabbits are killed, dressed or processed for human food to the end that domesticated rabbit meat and rabbit meat food products may be sold commercially for human food and that consumers thereof will be supplied with a wholesome and healthful product. Such rules and regulations shall provide for the inspection of rabbit carcasses, and parts thereof, as well as any rabbit food products offered for sale and distribution in this State and for the seizure, condemnation and destruction of rabbits, rabbit carcasses and parts thereof not in compliance with rules and regulations adopted under authority of this Act. Rules and regulations as herein authorized shall also be promulgated and adopted to govern the preparation, packaging, labeling and transportation of rabbit meat and rabbit meat food products as well as the cleanliness and sanitation of the premises on which rabbits and rabbit meat food products are slaughtered, processed, packaged, labeled or sold or offered for sale for human consumption together with provisions for withdrawal of inspection services for violations of any rules and regulations adopted hereunder. Any such rules and regulations as may be adopted hereunder shall comply with or be at least equal to requirements of any regulations now proposed or as may hereafter be imposed by the Secretary of Agriculture of the United States relating to the slaughtering, processing and sale of rabbit meat and rabbit meat food products.

Section 3. The Commissioner of Agriculture and Industries with approval of the State Board of Agriculture and Industries is authorized and empowered to enter into agreements of contract with any person, firm, corporation or association on terms mutually agreeable with the parts thereto whereby the Department of Agriculture and Industries shall provide

qualified personnel to perform rabbit meat and rabbit meat food products inspection in accordance with such rules and regulations as may be adopted under authority of this Act. The Commissioner of Agriculture and Industries under authority of this Act. The Commissioner of Agriculture and Industries under authority of contracts for inspection work as herein authorized is empowered to charge and collect fees for inspection services to be performed which fees shall be in the nature of a contribution to defray the cost of such services. All amounts collected as inspection fees shall be deposited into the State Treasury to the credit of the Agricultural Fund and be specifically designated or earmarked therein for expenditure by the Department of Agriculture and Industries to defray cost and expenses necessary to furnish such inspection services. The amount of fees or compensation to be paid to the Department of Agriculture and Industries under the provisions of any contract authorized hereunder shall be fixed and approved by the State Board of Agriculture and Industries at an amount whereby no cost or additional expenses will be borne by said Department in rendering the inspection services to be performed, except as hereinafter provided. The amount of inspection fees or compensation shall not be fixed at a sum which will produce any profit or additional revenue to the Department of Agriculture and Industries over and above the actual cost necessary to furnish such inspection service. In the event the Legislature appropriates funds to defray the cost and expenses of providing inspection services as authorized under this Act, then any contract as authorized hereunder with respect to the payment of inspection fees shall not be necessary; provided, however, that if any such amount as may be appropriated shall be insufficient to furnish the required inspection services such contracts may then provide that the difference or an additional amount as may be necessary to perform the required inspection services shall be paid by the slaughtering and processing establishment receiving the inspection services.

Section 4. The provisions of this Act authorizing the inspection of rabbit meat and rabbit meat food products shall not be construed to make such inspection mandatory. Inspection services shall be on a voluntary basis upon request of a person, firm, corporation or association desiring such inspection. In the event the Congress of the United States at any time in the future requires compulsory inspection of rabbit meat and rabbit meat food products, then the provisions and requirements of this Act for inspection of rabbit meat and rabbit meat food products shall become mandatory and otherwise in compliance with such Congressional Act. This Act shall not affect, restrict, limit or modify the power and duty of the Commissioner of Agriculture and Industries to provide and require mandatory inspection for slaughter of cattle, sheep, swine, goats, equine and poultry for meat and meat food products for distribution in this State as authorized and required by Chapter 17 of Title 2, Code of Alabama 1975.

Section 5. The Commissioner of Agriculture and Industries is hereby authorized to expend any funds that may hereafter be appropriated or otherwise available to such officer in carrying out the provisions of this Act, including financial aid and other assistance as may be made available by the Congress of the United States. The Commissioner of Agriculture and Industries shall also be authorized to enter into cooperative agreements with the Secretary of Agriculture of the United States in developing a state program for rabbit meat and rabbit meat food products inspection in the event the Congress of the United States shall in the future authorize or require inspec-

tion of rabbit meat and rabbit meat food products. Unless funds are made available as herein provided, the slaughtering or processing establishment receiving the inspection services shall pay the cost and expense thereof pursuant to contracts as authorized under Section 3 of this Act.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 22; Nays 0.

*Yeas:*

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Goodwin, Higginbotham, Little, McDonald (S), McMillan, Mims, Owen, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—22

*Nays:*

—0

And said Bill, H. B. 375, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, Little, McDonald (S), McMillan, Mims, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—25

*Nays:*

—0

The Bill:

H. 217. To amend further section 12-19-210, Code of Alabama 1975, as amended, which relates to jurors' expense allowances, so as to provide that such allowances shall be payable from the state treasury, and to make the act retroactive.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (S), McMillan, Mims, Noonan, Owen, Perloff, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—25

*Nays:*

—0

The Bill:

H. 711. To authorize counties and incorporated municipalities in this state to form a regional, nonprofit, public corporation which will provide for the temporary care and custody of youths who have been placed under the jurisdiction of a juvenile court; to provide for the chartering and general organizational structure of such corporation; to authorize governing bodies of such counties and municipalities to appropriate monies for the support of such corporation's facilities and programs; to provide for local control by the corporation's board of directors of the operation of any of such corporation's facilities and programs and to provide certain tax exemptions for such corporation.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (S), McMillan, Mims, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca.

—25

*Nays:*

—0

The Bill:

H. 841. To amend Sections 16-17-7, 16-17-16 and 16-17-19 of the Code of Alabama 1975, so as to provide for further powers of the Board of Directors of the Authority; to provide additional instructions relating to payment of earning of the Authority; to provide for a determination as to when and where title shall vest after full payment of certain bonds; and to provide for retroactive effect.

Was read a third time at length and passed.

Yeas 23; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (S), McMillan, Mims, Noonan, Owen, Peden, Perloff, Perry, Proctor, Roberts, Shelby, Stewart, Vacca.

—23

*Nays:*

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 741. To amend Sections 14-1-4 and 14-1-6 of the Code of Alabama 1975, so as to allow the Commissioner of Corrections to appoint one additional deputy commissioner and to provide further for the compensation of all deputy commissioners.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Jones, the Senate non-concurred in the following House amendment to the Bill, S. B. 741, the title of which is set out in the foregoing Message from the House, to-wit:

## AMENDMENT TO S. B. 741

Amend Senate Bill 741 by adding a new Section 3 and renumbering other sections accordingly. Section 3. Section 14-1-9, Code of Alabama 1975, is hereby amended to read as follows:

Section 3. Section 14-1-9 Same—Advisor to Governor and Legislature.

The board shall be the advisor of the Governor and the Legislature in matters relating to penal and correctional institutions, pardons and paroles and related matters. The board shall advise the Governor and the Legislature at least thirty (30) days prior to making a decision on construction of permanent facilities or any new existing prison site.

## AMENDMENT TO S. B. 741

Amend Senate Bill 741, page 1, line 32, after the word authority by inserting the following sentence: the minimum qualifications of the individuals selected to serve as deputy commissioners are that the selectee must possess at least 5 years experience in the field of corrections and/or possess at least a B.S. degree in the correctional field.

## AMENDMENT TO S. B. 741

Amend S. B. 741 in the title, on page one, beginning on line 21 changing the title to read as follows:

To amend Section 14-1-4 and 14-1-6 of the Code of Alabama 1975, so as to allow the commissioner of corrections to appoint one additional deputy commissioner; to provide that the commissioner, deputy commissioners and all other appointed personnel shall serve at the pleasure of the board of corrections; and to provide further for the compensation of all deputy commissioners.

In Section 1, on page two, line 9, by deleting the quotation marks (") following the period.

In Section 1, on page two, line 10 by adding a new subsection (c) to read as follows:

"(c) The commissioner, deputy commissioners and all other appointed personnel shall serve at the pleasure of the board of corrections."

and requested a Committee on Conference.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee,

Gilmore, Goodwin, Higginbotham, Little, McDonald (S), McMillan, Mims, Noonan, Owen, Peden, Perloff, Proctor, Roberts, St. John, Shelby, Vacca.

—24

*Nays:*

—0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Jones, Owen, and Mims.

### BILLS ON THIRD READING RESUMED

The Bill:

H. 1024. To name the Allied Health Building at George C. Wallace State Community College after Mrs. Nell Espy Gary.

Was read a third time at length and passed.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (S), McMillan, Noonan, Owen, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—26

*Nays:*

—0

### MOTION TO ADJOURN LOST

At 8:55 P.M., Mr. Perloff moved that the Senate adjourn until Monday, April 24, 1978, at 8 o'clock A.M., which motion was lost.

Yeas 10; Nays 17.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Gilmore, Jones, McDonald (S), Peden, Perloff, Powell.

—10

*Nays:*

Messrs. Ellis, Fine, Foshee, Goodwin, Higginbotham, Little, McMillan, Mims, Noonan, Perry, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop.

—17

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 150. To amend the act proposed by H. B. 1134 of the 1977 Regular Session, which is entitled "An Act To provide for a pay increase for sworn law enforcement officers with full peace officer authority in the service of the

state, and to appropriate necessary funds," so as to add certain other sworn law enforcement officers to the list whose compensation will be increased.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate bill:

S. 169. To amend further Section 32-9-29 of the 1975 Code of Alabama; so as to provide an exemption for certain loads to be transported.

And the Speaker of the House has appointed as a Committee on the part of the House Messrs. Folmar, Cross and Crowe.

JOHN W. PEMBERTON,  
Clerk.

### BILLS ON THIRD READING RESUMED

The Bill:

H. 128. To comply with the Omnibus Crime Control and Safe Streets Act of 1968, (PL 90-351), as amended and establishes the ALABAMA LAW ENFORCEMENT PLANNING AGENCY.

was taken up.

Mr. Peden offered the following amendment to the Bill, H. B. 128, to-wit:

#### AMENDMENT TO H. B. 128

Amend House Bill No. 128 Pages 7 & 8 Line 17, by striking out Section 1-103 in its entirety and renumbering all subsequent sections.

On motion of Mr. Fine, said amendment was laid on the table.

Yeas 21; Nays 4.

*Yeas:*

Messrs. Adams, Bank, Ellis, Fine, Foshee, Goodwin, Higginbotham, Little, McDonald (S), Mims, Noonan, Owen, Perloff, Perry, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—21

*Nays:* Messrs. Baker, McMillan, Peden, Powell.

—4

Mr. Peden then offered the following amendment to the Bill, H. B. 128, to-wit:



## AMENDMENT TO H. B. 128

Amend House Bill No. 128 Page 10 Line 9, by inserting after the word director, who shall also be confirmed by the Senate.

## RESOLUTION

Mr. Noonan offered the following Senate Joint Resolution, to-wit:

S. J. R. 454.

BE IT RESOLVED By the House of Representatives and the Senate of the Legislature of Alabama that the Legislative Fiscal Officer, Legislative Budget Office, Legislative Reference Service, be encouraged to employ Blacks in future legislative sessions.

On motion of Mr. Noonan, the Rules were suspended and the Resolution was adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Holmes (A):

H. J. R. 638. BE IT RESOLVED By the House of Representatives and the Senate of the Legislature of Alabama that the Legislative Fiscal Officer, Legislative Budget Office, Legislative Reference Service, be encouraged to employ Blacks in future legislative sessions.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 638, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## FURTHER CONSIDERATION OF H. B. 128

The Senate proceeded to further consideration of the Bill, H. B. 128.

The question was on the amendment offered by Mr. Peden.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate bill:

S. 741. To amend Sections 14-1-4 and 14-1-6 of the Code of Alabama 1975, so as to allow the Commissioner of Corrections to appoint one additional deputy commissioner and to provide further for the compensation of all deputy commissioners.

And the Speaker of the House has appointed as a Committee on the part of the House Messrs. Robertson, Moore (O) and Cooper.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 637. DIRECTING THAT THE CAPITOL GRILL BE OPEN ON ALL DAYS THAT THE LEGISLATURE IS IN SESSION, INCLUDING LEGAL HOLIDAYS IN THE STATE OF ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution the title of which is set out in the foregoing Message from the House.

#### FURTHER CONSIDERATION OF H. B. 128

The Senate proceeded to further consideration of the Bill, H. B. 128.

The question was on the amendment offered by Mr. Peden.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 487. To regulate the practice of design, construction, or installation of heating and air conditioning equipment, and roofing and sheet metal; to create a regulatory board for such purpose; to provide for the officers, membership, duties, authority, meetings and terms of the board; to vest rule-making and examining authority and the power to levy fines in the board; to provide for certification fees and their disposition; to require contractors in the regulated trades to be certified and bonded; to exempt certain persons from certain provisions hereof; and to provide penalties for violation of this act.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. McDonald (S), the Senate concurred in and adopted the following House amendment to the Bill, S. B. 487, the title of which is set out in the foregoing Message from the House, to-wit:

## HOUSE AMENDMENT TO S. B. 487

Amend Senate Bill 487 by the deletion of the entirety of subsection (A) of Section 1 and by the substitution of the following therefor:

"(A) "Regulated Contractor" shall mean any individual or any regularly employed person for any partnership or corporation who for hire is engaged in the design of heating and air conditioning systems or the installation of heating or air conditioning equipment, roofing or sheet metal material, provided however, that nothing in this Act shall apply to retail sellers of air conditioning, heating or roofing systems who do not install said systems themselves; employees of licensed general contractors; contractors involved in the installation of residential and commercial roofing and related sheet metal materials."

Yeas 9; Nays 0.

*Yeas:*

Messrs. Adams, Ellis, Fine, Goodwin, Higginbotham, McDonald (S), Peden, Perloff, Teague.

—9

*Nays:*

—0

(The President and Presiding Officer of the Senate declared a quorum present, but not voting.)

REPORT OF COMMITTEE OF CONFERENCE  
ON SENATE BILL 741

We, the committee of conference appointed to reconcile the differences between the two Houses concerning the bill, S. B. 741, have met and considered the matter referred and beg leave to report as follows:

We recommend that the bill be accepted as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Sections 14-1-4 and 14-1-6 of the Code of Alabama 1975, so as to allow the Commissioner of Corrections to appoint one additional deputy commissioner and to provide further for the compensation of all deputy commissioners.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 14-1-4, Code of Alabama 1975, is hereby amended to read as follows:

"§ 14-1-4. (a) The board may appoint such officers and employees as it may require for the performance of its duties and shall fix and determine their qualifications, duties and authority. Unless otherwise provided by law, all of the employees of the board, except the commissioner of corrections and the deputy commissioners of corrections, not to exceed two three, shall be subject to the provisions of law with respect to the method, selection, classification and compensation of state employees on a basis of merit.

"(b) The rules and regulations of the state personnel department shall not be applicable to the appointment, tenure or compensation of physicians, surgeons, psychiatrists, psychologists, dentists or allied professional supportive personnel employed by the board."

Section 2. Section 14-1-6, Code of Alabama 1975, is hereby amended to read as follows:

"§ 14-1-6. (a) The board shall appoint a commissioner of corrections, who shall serve at the pleasure of the board and shall be responsible to it. He shall be the chief administrative officer of the board, and the board may delegate any of its administrative powers and authority to him. The commissioner of corrections shall be a man of good character, of good business experience and experience in the administration of correctional systems. He shall have no financial interest in any partnership, corporation or association with which the board has any financial dealings.

"(b) Before entering upon the duties of his office, the commissioner of corrections shall execute to the state of Alabama a bond, to be approved by the governor, in an amount to be fixed by the governor, but not less than \$10,000.00, for the faithful performance of his duties.

"(c) The commissioner of corrections, with the approval of the board, shall have the authority to appoint deputy commissioners not to exceed two three, and to define their duties. Their salaries shall each be an annual amount fixed at \$1,500.00 less than the salary of the commissioner of corrections, as specified by law."

Section 3. All laws or parts of laws in conflict with this act are repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### AMENDMENT TO S. B. 741

Amend S. B. 741 in the title, on page one, beginning on line 21 changing the title to read as follows:

To amend Sections 14-1-4 and 14-1-6 of the Code of Alabama 1975, so as to allow the commissioner of corrections to appoint one additional deputy commissioner; to provide that the commissioner, deputy commissioners and all other appointed personnel shall serve at the pleasure of the board of corrections; and to provide further for the compensation of all deputy commissioners.

In Section 1, on page two, line 9, by deleting the quotation marks (") following the period.

In Section 1, on page two, line 10 by adding a new subsection (c) to read as follows:

"(c) The commissioner, deputy commissioners and all other appointed personnel shall serve at the pleasure of the board of corrections."

FRED JONES,

L. D. OWEN, JR.,

MASTON MIMS,

Conferees on part of the Senate.

OTIS H. MOORE, JR.,

EDWARD W. ROBERTSON,

Conferees on part of the House.

### CONFERENCE REPORT

On motion of Mr. Jones, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. 741. To amend Sections 14-1-4 and 14-1-6 of the Code of Alabama 1975, so as to allow the Commissioner of Corrections to appoint one additional deputy commissioner and to provide further for the compensation of all deputy commissioners.

Yeas 18; Nays 0.

*Yeas:*

Messrs. Adams, Ellis, Fine, Gilmore, Goodwin, Jones, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Powell, Proctor, Shelby, Stewart, Vacca, Waldrop.

—18

*Nays:*

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 21. To require any utility or telephone company that is required to obtain a certificate of public convenience and necessity under Section 37-2-4 or Section 37-4-28 of the 1975 Code of Alabama from the Alabama Public Service Commission for the construction or operation of any facility to give notice of the filing of such application with said Commission to the reasonably identifiable owners of all lands which are proposed to be acquired for the construction or operation of the facility for which the certificate of convenience and necessity is sought, and to provide that such owners shall be entitled to be heard and to participate in such certificate proceedings, except, however, such notice requirement shall not apply to the acquisition of lands or interest in lands for utility or telephone transmission or distribution lines; to repeal all laws or parts of laws in conflict herewith and to provide for the effective date of this Act.

JOHN W. PEMBERTON,  
Clerk.

## FURTHER CONSIDERATION OF H. B. 128

The Senate proceeded to further consideration of the Bill, H. B. 128.

The question was on the amendment offered by Mr. Peden.

## REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor and the Secretary of State, with the date and hour of delivery, to-wit:

S. J. R. 415

S. B. 593

S. B. 667

S. B. 689

S. B. 691

Delivered to the Governor, April 5, 1978, at 5:25 P.M.

S. B. 600

Delivered to the Secretary of State, April 5, 1978, at 5:25 P.M.

S. B. 257

Delivered to the Governor, April 6, 1978, at 2:15 P.M.

S. B. 640

Delivered to the Governor, April 6, 1978, at 3:20 P.M.

S. B. 642

Delivered to the Secretary of State, April 6, 1978, at 3:25 P.M.

S. B. 98

S. B. 346

S. B. 579

S. B. 591

S. B. 605

S. B. 618

S. B. 623

S. B. 624

S. B. 703

Delivered to the Governor, April 11, 1978, at 1:50 P.M.

S. B. 539

S. B. 253

S. B. 599

S. B. 602

S. B. 676

S. B. 677

S. B. 711

S. B. 723

S. B. 726

S. B. 727

S. B. 728

Delivered to the Governor, April 11, 1978, at 5:30 P.M.

S. B. 370

Delivered to the Governor, April 12, 1978, at 2:30 P.M.

S. B. 704

S. J. R. 21

S. J. R. 36

S. J. R. 38

S. J. R. 330

S. J. R. 350

S. J. R. 377

S. J. R. 402

S. J. R. 412

S. B. 93

S. B. 94

S. B. 497

S. B. 576

S. B. 581

S. B. 582

S. B. 583

S. B. 613

S. B. 713

Delivered to the Governor, April 13, 1978, at 2:20 P.M.

S. J. R. 422

S. B. 113

S. B. 144

S. B. 314  
S. B. 344  
S. B. 424  
S. B. 469  
S. B. 490  
S. B. 580  
S. B. 554  
S. B. 586  
S. B. 614  
S. B. 615  
S. B. 616  
S. B. 629  
S. B. 700  
S. B. 710  
S. B. 748  
S. B. 774  
S. B. 367  
S. B. 425  
S. B. 451  
S. B. 181

Delivered to the Governor, April 13, 1978, at 8 o'clock P.M.

McDOWELL LEE,  
Secretary.

#### SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

#### ADJOURNMENT

At 9:50 P.M., on motion of Mr. Baker, in accordance with Joint Resolution heretofore adopted, pending further consideration of the Bill's, H. B.'s 245, 442, 249, 451, 452, 486, 143, 137, and 128, the Senate adjourned until Monday, April 24, 1978, at 9 o'clock A.M.

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#### THIRTIETH LEGISLATIVE DAY

MONDAY, APRIL 24, 1978

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.



## PRAYER

The Session was opened with prayer by the Reverend Charles Beshears, Pastor, Walnut Park Baptist Church, Gadsden, Alabama.

## ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—35

## JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 739. To amend Section 3 (g) of Act No. 352, approved August 23, 1957, now appearing in Section 9-17-83 (7) Code of Alabama 1975, relating to the unit operation of a field for the production of oil or gas so as to provide further for such unit operation in production from the Lower Cretaceous geological formation between depths of 10,500 feet and 11,500 feet subsea in which tertiary recovery methods are utilized.

U. W. CLEMON,  
Chairman.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 160. To amend Sections 31-6-4, 31-6-5, and 31-6-6 of the Code of Alabama 1975, relating to the educational benefits for the children and the wives and widows of deceased or totally disabled veterans, to extend those benefits to the children or the wives or widows of all veterans whose death or permanent disabilities are service-connected; and to provide further for the requisite extent of disability for the granting of benefits to wives and children of disabled World War II veterans.

Also:

S. 279. To provide that the Commissioner of the Revenue Department may enter into reciprocal agreements on behalf of the State of Alabama with the duly authorized representatives of any of the States of the United States, the District of Columbia, or a State or Province of a foreign country, or a territory or possession of either the United States or of a foreign country, to provide for the registration of vehicles on an apportionment or allocation basis; to become a member of the International Registration Plan developed by the American Association of Motor Vehicle Administrators; to authorize the Commissioner of the Revenue Department to promulgate and enforce such rules and regulations necessary to carry out such agreements; to declare the provisions of this Act severable; and to set the date upon which this Act will become effective.

Also:

S. 562. To provide that any person who knowingly shows, exhibits, sells, distributes, or displays for sale, any obscene work to a minor, or who knowingly exhibits any obscene performance with knowledge that a minor is present in the audience, or who knowingly exhibits any obscene performance with reckless disregard as to whether a minor is present in an audience, or who knowingly exhibits any obscene performance where it is likely or probable that a minor is present in an audience, shall be guilty of a misdemeanor and shall be punished as provided herein, to provide exemptions from prosecution under this Act, to provide that a mistake as to the age of the minor shall constitute a defense to prosecution under certain circumstances, to provide for the extradition of persons charged with violations of this Act, to provide procedures for the issuance of search warrants for the seizure of allegedly obscene works, to provide procedures which comply with constitutional requirements for adversary hearings prior to trial on the question of the obscenity of works seized and to provide copies of works seized, to provide penalties for violation of Sections 2 or 3 of this Act, to provide for the forfeiture of works used in any violation of Sections 2 or 3 of this Act, to repeal Sections 6320 and 6322 of Act No. 607, Acts of Alabama, 1977 Regular Session, to provide for the severability of the parts of this Act, to provide an effective date, and to provide definitions for the provisions of this Act.

Also:

S. 487. To regulate the practice of design, construction, or installation of heating and air conditioning equipment, and roofing and sheet metal; to create a regulatory board for such purpose; to provide for the officers, membership, duties, authority, meetings and terms of the board; to vest rule-making and examining authority and the power to levy fines in the board; to provide for certification fees and their disposition; to require contractors in the regulated trades to be certified and bonded; to exempt certain persons from certain provisions hereof; and to provide penalties for violation of this act.

Also:

S. 21. To require any utility or telephone company that is required to obtain a certificate of public convenience and necessity under Section 37-2-4 or Section 37-4-28 of the 1975 Code of Alabama from the Alabama Public Service Commission for the construction or operation of any facility to give notice of the filing of such application with said Commission to the reasonably identifiable owners of all lands which are proposed to be acquired for the construction or operation of the facility for which the certificate of convenience and necessity is sought, and to provide that such owners shall be entitled to be heard and to participate in such certificate proceedings, except, however, such notice requirement shall not apply to the acquisition of lands or interest in lands for utility or telephone transmission or distribution lines; to repeal all laws or parts of laws in conflict herewith and to provide for the effective date of this Act.

U. W. CLEMON,  
Chairman.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 738. Relating to Jackson County, Alabama, to provide for the budgeting for the number, classification, and compensation of employees of the office of Sheriff of such county, and the manner of payment therefor; to provide for motor vehicles for said office and maintenance thereof; to provide for the payment of operational cost of the Sheriff's Office; and repealing conflicting laws.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Baker, the Senate non-concurred in the following House amendment to the Bill, S. B. 738, the title of which is set out in the foregoing Message from the House, to-wit:

#### SUBSTITUTE FOR S. 738

#### A BILL TO BE ENTITLED AN ACT

Relating to Jackson County, Alabama, to provide for the budgeting for

the number, classification, and compensation of employees of the office of Sheriff of such county, and the manner of payment therefor; to provide for motor vehicles for said office and maintenance thereof; to provide for the payment of operational cost of the Sheriff's Office; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Jackson County, Alabama, is authorized to appoint and to exercise all supervisory authority over all employees of the sheriff's department of Jackson County, including but not limited to deputies, investigators, clerks, jailers, matrons, radio operators, cooks and any other necessary employees for the operation of the sheriff's department. The exact number of employees and the compensation paid to each person in each classification shall be determined by the Sheriff within the budgetary restraints provided herein. The Sheriff shall have the power to discipline all of said employees, including but not limited to reprimand, suspension with or without pay, reduction in salary or job classification or dismissal from employment. In addition to compensation as salary or wages, each employee provided for herein shall be entitled to all employee benefits provided for all other county employees provided, however, that the budget for the Sheriff's department shall be automatically increased by an amount sufficient to provide the same percentage salary increase for the employees of the Sheriff's office as is provided for other county employees when a raise is provided for county employees.

Section 2. The Sheriff of Jackson County, Alabama, is also authorized to purchase such automobiles and equipment for his department and the jail as may be necessary and advisable and may cause such repairs and maintenance to be made as are needed subject only to the budgetary restraints or limitations of his department; provided, however, that whenever a transaction requires competitive bids that the normal competitive bid procedures of the county be followed. The county governing body shall be required to process any purchases for which competitive bids are required as soon as is practical upon written request from the Sheriff. Upon failure of the county governing body to let bids within 30 days from the Sheriff's written request, the Sheriff may proceed with the competitive bid process himself.

Section 3. The Sheriff of Jackson County is also authorized to purchase, subject to the same provisions with regard to competitive bids as are provided in Section 2, such other equipment, supplies, furnishings, telephone services, gas and oil and any other items or services necessary for the proper maintenance of the sheriff's department as he may deem necessary, subject to budgetary restraints or limitations provided herein.

Section 4. On or before July 1 of each calendar year, the Sheriff of Jackson County shall submit to the county governing body a recommended budget showing estimated expenditures for salaries; automobile purchases; telephone expenses; gas, oil and maintenance of vehicles, equipment and furnishings purchase; supplies; and other miscellaneous expenses and making a total budget request. On or before September 1 of each year the county governing body shall, by resolution spread upon the minutes and written notice to the Sheriff, approve a total appropriation to the sheriff's department but shall not limit any line item expenditure requested. The appropriation shall not be less than the average amount expended from any county fund or source of revenue for all expenses of operating the sheriff's department in the three years next preceding the appropriation being made unless the total

county revenue should decrease, then a pro-rata reduction of a like percentage may be made, provided however, that no expenditures for prisoners' health or dental care, utilities, capital outlay on the courthouse, or repairs, renovation, replacement or maintenance on the jail or heating and air conditioning shall be included in the computation of past expenses nor shall they be charged against the budget herein provided for. The Sheriff is authorized to spend no more than 1/3 of the total budget within any one fiscal quarter of the year upon a voucher submitted by the Sheriff. Any surplus remaining in said budget at the end of each fiscal year shall be carried forward as an additional appropriation and shall not be considered as a part of the new fiscal year appropriation. The county governing body may make additional or supplemental appropriations to the sheriff's department if they deem it in the best interest of the county to do so.

Section 5. The Sheriff is not authorized to incur debts or obligations in any year in excess of the amount appropriated and may be held personally liable by any creditor or the county for any amount obligated in excess of said appropriation.

Section 6. The Sheriff is authorized to use any amount of the total appropriation for any item in his budget request or to match any federal grant available, including LEPA funds.

Section 7. All laws, or parts of laws, in conflict with the provisions hereof are repealed.

Section 8. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law and shall begin application for the fiscal year beginning October 1, 1978.

and requested a Committee on Conference.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Baker, King, and McDonald (A).

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 208. To amend Sections 3, 4, 5 subsection (c), Section 7 subsection (c), and Section 8 of Act No. 863, 1975 Regular Session, approved October 7, 1975, which established the Alabama Firefighters' Personnel Standards and

Education Commission, so as to provide further for the Executive Secretary and clerical assistants of the Commission, to provide that the members of this Commission shall receive per diem for each meeting plus travel expenses as provided by state travel law, to provide a quorum shall be a majority of the members, to provide the employment of an Assistant to the Executive Secretary as duties and functions may require, to correct reference in Section 8 to read "Section 7", and to further provide a 12 months period for applicant to complete 240 hours training.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Bank, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 208, the title of which is set out in the foregoing Message from the House, to-wit:

### SUBSTITUTE FOR S. B. 208

#### A BILL TO BE ENTITLED AN ACT

To amend Sections 36-32-3, 36-32-4 and 36-32-4 and 36-32-7, Code of Alabama 1975, relating to the Alabama Firefighters' Personnel Standards and Education Commission, so as to provide further for the Executive Secretary and clerical assistants of the Commission, to provide that the members of this Commission shall receive per diem for each meeting plus travel expenses as provided by state travel law, to provide a quorum shall be a majority of the members, to provide the employment of an Assistant to the Executive Secretary as duties and functions may require, and to further provide a 12 month period for applicant to complete 240 hours training.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 36-32-3, 36-32-4 and 36-32-7, Code of Alabama 1975, are hereby amended to read as follows:

"Section 36-32-3. The Commission shall elect a Chairman and a Vice Chairman from among its members at its first meeting and thereafter at its first meeting following the appointment of a new member. The Commission may employ and Executive Secretary and such clerical assistants as its functions and duties may require, subject to the provisions of the State Merit System Act. The Commission may employ an Executive Secretary who shall serve at the discretion of the Commission. The Commission may employ an Assistant to assist the Executive Secretary in coordinating training and investigation pursuant to Section 36-32-5. The Assistant shall serve at the discretion of the Commission. The Commission shall set the salaries of the Executive Secretary and his Assistant subject to the State Personnel Board's salary scale. The Executive Secretary may employ such clerical assistants as functions and duties may require, subject to the provisions of the State Merit System Act.

"Members of this Commission shall receive \$50 per diem for attending meetings of the Commission plus travel expenses as provided for by state travel law, provided funds are available.

"Section 36-32-4. The Commission shall meet in regular session quar-

terly at a time and place in the State of Alabama to be designated in its by-laws. Special meetings may be called by the Chairman, the Vice Chairman or any three members by giving notice of the time, place and purpose of such special meeting at least five days before it is to be held, to each member of the Commission. Such notice may be waived by all members of the Commission, either before or after a special meeting. The Commission shall adopt an official seal and the Executive Secretary shall be custodian of the seal and shall have authority to affix the seal to agreements and obligations of the Commission. A quorum of the members shall be five. A quorum shall be a majority of the Commission members.

"Section 36-32-7. (a) The minimum standards hereafter in this section provided shall apply to applicants and appointees as firefighting personnel who are not firefighters in the State on October 7, 1975, and to applicants and appointees who, though firefighters on October 7, 1975, cease to be such before making application for employment as a firefighter or being employed as a firefighter. No city or town shall employ any such applicant who is not on the effective date of this Act a firefighter and who continues until the date of his application as a firefighter unless such person shall have first submitted to the appointing authority an application for such employment verified by affidavit of the applicant, and showing compliance with the following qualifications:

"(1) Age. The applicant shall be not less than 18 nor more than 35 years of age at the time of appointment; provided, however, that for the purpose of calculating his age under this chapter, the time spent by any applicant on active duty in the Armed Forces of the United States of America, not exceeding four years, shall be subtracted from the actual age of such applicant who has attained the age of 39 years.

"(2) Education. The applicant shall be a graduate of a high school accredited with or approved by the State Department of Education or shall be the holder of a certificate of high school equivalency issued by General Educational Development.

"(3) Training. Prior to appointment, the applicant shall have completed at least 240 hours of formal firefighting training in a recognized training school, approved by the Commission, provided, that an applicant may be previously appointed without having completed the training herein prescribed subject to the condition that he shall complete such training within 90 days after provisional appointment and should he fail to complete such training, his appointment shall be null and void.

"(3) Training. The applicant shall have completed within 12 months after appointment 240 hours of formal firefighting training by a certified instructor in a recognized training school approved by the Commission; provided that appointees appointed after October 7, 1975, and before the date of approval of such training school by the Commission shall have 12 months after the date of approval of such training school by the Commission to complete said training. Failure to complete such training within the prescribed period shall render the appointment null and void.

"(4) Physical Qualifications. The applicant shall be not less than five feet two inches nor more than six feet ten inches in height, shall weight not less than 150 pounds nor more than 300 pounds and shall be certified by a licensed physician designated as satisfactory by the appointing authority as in good health and physically fit for the performance of his duties as a firefighter. The Commission may for good cause shown permit variances from the physical qualifications prescribed in this subsection (4).

"(5) Character. The applicant shall be a person of good moral character and reputation. His application shall show that he has never been convicted of a felony or a misdemeanor involving either force, violence or moral turpitude, and shall be accompanied by letters from three qualified voters of the area in which the applicant proposes to serve as a firefighter attesting his good reputation.

"(b) The foregoing requirements shall not apply to person who is presently employed as a firefighter in the State and who continues to be so employed when he makes application for or is employed as a firefighter in a different capacity or for a different employer."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 23; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), Owen, Perry, Powell, Proctor, St. John, Vacca, Waldrop, Wilson.

—23

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 223. To require a notification procedure for the issuance by counties, cities, towns, municipalities and public corporations of industrial revenue bonds under Sections 11-20-1, et seq. CODE OF ALABAMA 1975 (relating to industrial revenue bonds to be issued by counties), Sections 11-54-20, et seq. CODE OF ALABAMA 1975 (relating to industrial revenue bonds to be issued by municipalities), Sections 11-54-80, et seq. CODE OF ALABAMA 1975 (relating to industrial revenue bonds to be issued by municipal industrial development boards), Sections 11-58-1, et seq. CODE OF ALABAMA 1975, as amended (relating to industrial revenue bonds to be issued by municipal medical clinic boards), Sections 22-21-170, et seq. CODE OF ALABAMA 1975 (relating to industrial revenue bonds to be issued by county and municipal hospital authorities), Act No. 4, enacted at the 1956 Second Special Session of the Alabama Legislature (1956 Acts, P. 240, et seq.), as amended (relating to industrial revenue bonds to be issued by certain municipalities to finance hotel and motel projects), Act No. 337 enacted at the 1971 Third Extra Session of the Alabama Legislature (1971 Acts, p. 4625, et seq.) (relating to industrial revenue bonds to be issued by certain municipalities to finance hotels and motels projects), Act No. 762 enacted at the 1977 Regular Session of the Alabama Legislature and now appearing in Sections 11-20-30, et seq. CODE OF ALABAMA 1975 (1977 Cumulative Supplement) (relating to industrial revenue bonds to be issued by county



industrial development boards), to provide, in addition to their present functions and duties, the functions and duties of the Alabama Securities Commission and its Director (as provided under Sections 8-6-50, et seq. CODE OF ALABAMA 1975, with respect to such industrial revenue bonds), to establish and provide for the membership, functions and duties of the State Industrial Revenue Bond Advisory Council; to authorize the issuance of stop orders by the Alabama Securities Commission and/or the Director delaying or prohibiting the issuance of industrial revenue bonds; to provide for certificates of notification by the Director, the effect of such certificate, and a remedy for failure or refusal of the Director to issue such certificate; to provide for the assessment of filing fees by the Securities Commission; to provide criminal penalties for willful violations of this act or stop orders issued thereunder; and to provide relief from stop orders of the Director by readoption by the governing body of the issuer of the authorizing proceedings, or from stop orders issued by the Alabama Securities Commission by judicial validation under Sections 6-6-750, et seq. CODE OF ALABAMA 1975 (relating to the judicial validation of securities issued by counties, cities and towns) and Section 11-81-220, et seq. CODE OF ALABAMA 1975 (relating to the judicial validation of securities issued by boards and public corporations) and as supplemented in this act for proceedings hereunder, and relief from stop orders of the Council by such judicial validation.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 339. To exempt Quint-Marwater and Fire Protection Authority in Crenshaw, Montgomery and Butler Counties, Alabama, from the provisions of Section 40-21-82 of the Code of Alabama of 1975, which levies a certain tax on the gross receipts and gross sales of certain utilities.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Mitchell, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 339, the title of which is set out in the foregoing Message from the House, to-wit:

#### HOUSE SUBSTITUTE FOR S. B. 339

#### A BILL TO BE ENTITLED AN ACT

To exempt the Northeast Crenshaw Water and Fire Protection Authority in Crenshaw and Montgomery Counties, Alabama, from the provisions of Section 40-21-82 of the Code of Alabama of 1975, which levies a certain tax on the gross receipts and gross sales of certain utilities.

Be It Enacted by the Legislature of Alabama:

Section 1. The Northeast Water and Fire Protection Authority in

Crenshaw and Montgomery Counties, Alabama, is hereby exempt from all taxes levied under the provisions of Section 40-21-82 of the Code of Alabama of 1975.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Higginbotham, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, Roberts, St. John, Teague, Waldrop.

—26

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 244. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, and for interest on the public debt and for the public schools for the fiscal year beginning October 1, 1978.

and requests a Committee on Conference.

And the Speaker of the House has appointed as the Conferees on the part of the House Messrs. Merrill, Manley and Owens.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Owen, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, the title of which is set out in the foregoing Message from the House.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, Roberts, St. John, Teague, Vacca, Waldrop, Wilson.

—27

*Nays:*

—0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. Owen, Gilmore, and Mitchell.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 950. Relating to Tuscaloosa County; to further regulate the hours and times that alcoholic beverages may be sold, served, or given away in public places.

Also:

H. 949. To alter and rearrange the boundaries of the town of Trinity in Morgan County, so as to include certain territory in the corporate limits of the town.

Also:

H. 987. Relating to the offices of the tax assessor, tax collector, license commissioner, probate judge and coroner in Calhoun County; to authorize the tax assessor to appoint a deputy assessor; to authorize the tax collector to appoint a deputy tax collector; to authorize the license commissioner to appoint a deputy license commissioner; to authorize the probate judge to appoint a deputy probate judge; to authorize the coroner to appoint a deputy coroner; to establish the duties of such deputies; and to prescribe the respective salaries to be fixed by the county commission.

Also:

H. 119. To provide, in addition to benefits now received, a cost-of-living increase in retirement benefits for persons retired or otherwise receiving benefits under the state employees' or teachers' retirement systems prior to October 1, 1977; to specifically exclude certain persons from the provisions hereof; to make the provisions hereof optional to each county or municipality having retired employees participating in either state retirement system; to make appropriations to carry out the provisions hereof; and to repeal conflicting laws.

Also:

H. 944. Proposing an amendment to the Constitution of Alabama to authorize the consolidation of the offices of tax assessor and tax collector of Coffee County and the establishment of a consolidated and unified system for the assessment and collection of taxes in such county.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 883. Relating to Cleburne County; providing for the appointment of a part-time district attorney for such county; prescribing his qualifications; providing for his powers and duties; providing for payment of his compensation; giving this act retroactive effect; and providing for the nullity of this act at such time as general legislation providing funding for this position is enacted.

Also:

H. 87. To increase the probate judges' and license commissioners' fee for issuing motor vehicle licenses.

Also:

H. 152. To provide bidding procedures and contents thereof in connection with the licensing of motion pictures, to provide that once bids are solicited, the distributor may license the picture only by bidding, to prohibit the practice of "blind bidding" and to provide penalties for violation of this Act, including damages and attorneys fees.

Also:

H. 818. To authorize the county commission of any county to establish Industrial Parks within the county; to provide for the designation and regulation of such Industrial Parks; to designate the facilities to be furnished and maintained by the Industrial Parks; to exempt Industrial Parks from annexation by municipalities; to exempt Industrial Parks from being included in the police jurisdiction of municipalities; and to confirm the rights and responsibilities of county commissions, including the right of taxation.

Also:

H. J. R. 601. URGING THE ALABAMA HIGHWAY DEPARTMENT TO SCHEDULE A PROMPT UNDERTAKING OF THE PROPOSED MOUNT OLIVE CHURCH INTERCHANGE ON I-59, JEFFERSON COUNTY.

Also:

H. J. R. 629. NAMING THE BUILDING WHICH HOUSES THE OFFICE AND LABORATORIES OF THE STATE TOXICOLOGIST IN AUBURN, ALABAMA, THE "C. J. REHLING LABORATORIES."

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing

bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 468. VOICING OUR APPRECIATION FOR THE HONOR BESTOWED BY STUDENTS OF THE W. J. CHRISTIAN SCHOOL UPON THE ALABAMA LEGISLATURE.

Also:

H. J. R. 528. COMMENDING EDGAR EUGENE KINSEY FOR OUTSTANDING PERFORMANCE OF DUTY.

Also:

H. J. R. 536. MOURNING THE DEATH OF COACH ERNEST LESTER TUCKER.

Also:

H. J. R. 541. COMMENDING MR. LARRY ADCOCK OF BIRMINGHAM, ALABAMA.

Also:

H. J. R. 576. COMMENDING THE POSTMASTERS OF THE STATE OF ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 243. To prescribe the annual salary of the Commissioner of Agriculture and Industries and to provide for the effective date of this Act.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Gilmore, the Senate concurred in and adopted the

following House amendment to the Bill, S. B. 243, the title of which is set out in the foregoing Message from the House, to-wit:

#### AMENDMENT TO S. B. 243

Further amend S. B. 243, Page 1 line twenty-one by striking the words and figures "forty thousand dollars (\$40,000)" and substituting in lieu thereof the following:

"thirty-five thousand (\$35,000) dollars."

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Edwards, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), Mitchell, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Teague, Vacca, Waldrop.

—25

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 610. HONORING MR. E. F. CAGLE UPON HIS RETIREMENT.

Also:

H. J. R. 612. COMMENDING MR. HAROLD PATE OF BURKVILLE, ALABAMA, IMMEDIATE PAST PRESIDENT OF THE ALABAMA CATTLEMEN'S ASSOCIATION.

Also:

H. J. R. 614. COMMENDING MISS CHERYL CLEMENTS FOR BEING CHOSEN ALABAMA TEXTILE QUEEN.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 83. To amend the Alabama Civil Defense Act of 1955 now appearing in Sections 31-9-2 through 31-9-24, Code of Alabama 1975, so as to authorize state grants for local civil defense and emergency preparedness programs.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 22. To amend Code of Alabama, 1975, Section 37-1-80 so as to define the reasonable value of a public utility's property to be used as a rate base in fixing utility rates by eliminating therefrom the amount of new investment to be added in the year immediately following the test period; to repeal conflicting laws and to fix the effective date of this Act.

Also:

S. 24. To prohibit any telephone company, through any interconnecting or other agreement with South Central Bell Telephone Company, or its successor, or otherwise, from receiving an automatic increase in its net return, as the result of any order of the Alabama Public Service Commission or court granting an increase to South Central Bell Telephone Company, or its successor, in its intrastate net return; to repeal all laws and parts of laws in conflict herewith, and to provide the effective date of this Act.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 316. To require comprehensive health education in the public schools of Alabama.

Also:

S. 659. To appropriate \$1,200,000.00 from the Special Educational Trust Fund to the Alabama Institute for the Deaf and Blind for capital outlay purposes for the fiscal year ending September 30, 1979.

Also:

S. 660. To appropriate \$570,000.00 from the Special Educational Trust Fund to the Adult Department of the Alabama Institute for Deaf and Blind for the construction, erection, maintenance and equipping of a sheltered workshop for the deaf and severely handicapped for the fiscal year ending September 30, 1979.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 26. Relating to appeals from the actions or orders of the Alabama Public Service Commission in certain cases; providing for the time, manner and procedure for taking such appeals and for the effect thereof; providing for the construction of this Act; and repealing all laws and parts of laws in direct conflict or inconsistent with the provisions of this Act.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Perry, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 26, the title of which is set out in the foregoing Message from the House, to-wit:

## AMENDMENT TO S. B. 26

Amend Senate Bill 26 on page 3, Section 4, line 25, by deleting the remainder of the paragraph after the words "merit system."

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Teague, Vacca, Waldrop.

—25

*Nays:*

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 345. To provide that whoever knowingly sells and delivers any coal which has been mixed or loaded in the delivery container together with any substance or material other than coal or together with coal of a different quality with intent to defraud the purchaser of such coal or with the intent to obtain a higher price for such coal by inducing the purchaser to believe that such coal is of a higher quality or different quality than is actually delivered shall be guilty of criminal fraud; and providing penalties therefor.

JOHN W. PEMBERTON,  
Clerk.

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:



## S. R. 455.

The sole, paramount, and continuing order of business in the Senate for the 30th Legislative Day, taking precedence over all other business immediately upon the adoption of this resolution, shall be:

1. All uncontested local bills;
2. Motions and Resolutions;
3. The following general bills in the order prescribed below:

| Bill No.  | Page | Description                     |
|-----------|------|---------------------------------|
| H. B. 171 | 23   | State employees                 |
| H. B. 557 | 14   | Public corporations             |
| H. B. 351 | 37   | Names building                  |
| H. B. 135 | 38   | Names building                  |
| H. B. 352 | 38   | Names building                  |
| H. B. 363 | 17   | Department of Aeronautics       |
| H. B. 769 | 13   | Energy research                 |
| H. B. 824 | 10   | Alimony                         |
| H. B. 772 | 21   | Chiropractors                   |
| H. B. 773 | 22   | Chiropractors                   |
| H. B. 774 | 22   | Chiropractors                   |
| H. B. 795 | 23   | Poultry                         |
| H. B. 9   | 11   | Definition of death             |
| H. B. 652 | 38   | Health planning                 |
| H. B. 575 | 17   | 18th Judiciary Circuit          |
| H. B. 139 | 10   | School transportation           |
| H. B. 327 | 32   | Driver's license centers        |
| H. B. 262 | 12   | Discharging firearms            |
| H. B. 869 | 15   | Chattahoochee Valley Commission |
| H. B. 10  | 17   | Criminal Code                   |
| H. B. 484 | 23   | Subdivisions                    |
| H. B. 3   | 13   | Oil and Gas                     |
| H. B. 356 | 8    | Drug labels                     |
| H. B. 269 | 9    | Swine diseases                  |
| H. B. 179 | 12   | Detainers Act                   |
| H. B. 140 | 8    | Clergymen                       |
| H. B. 480 | 21   | Social work                     |

|            |    |                                     |
|------------|----|-------------------------------------|
| H. B. 118  | 11 | Driver's license                    |
| H. B. 147  | 10 | Blind parents exemption             |
| H. B. 294  | 12 | Practice of medicine                |
| H. B. 123  | 31 | J. W. Hunter                        |
| H. B. 1034 | 37 | Department of Pensions and Security |
| H. B. 435  | 37 | Tags—disable veterans               |
| H. B. 274  | 38 | Medical Services Administration     |

#### 4. Resolutions creating interim committees

Mr. Goodwin offered the following substitute for the Resolution to-wit:

#### SUBSTITUTE FOR S. R. 455

The sole, paramount, and continuing order of business in the Senate for the 30th Legislative Day, taking precedence over all other business immediately upon the adoption of this resolution, shall be:

1. All uncontested local bills;
2. Motions and Resolutions;
3. The following general bills in the order prescribed below:

| Bill No.  | Page | Description               |
|-----------|------|---------------------------|
| H. B. 54  | 6    | Governor's Trooper Bill   |
| H. B. 171 | 23   | State employees           |
| H. B. 557 | 14   | Public corporations       |
| H. B. 351 | 37   | Names building            |
| H. B. 135 | 38   | Names building            |
| H. B. 352 | 38   | Names building            |
| H. B. 363 | 17   | Department of Aeronautics |
| H. B. 769 | 13   | Energy research           |
| H. B. 824 | 10   | Alimony                   |
| H. B. 772 | 21   | Chiropractors             |
| H. B. 773 | 22   | Chiropractors             |
| H. B. 774 | 22   | Chiropractors             |
| H. B. 795 | 23   | Poultry                   |
| H. B. 9   | 11   | Definition of death       |
| H. B. 652 | 38   | Health planning           |
| H. B. 575 | 17   | 18th Judiciary Circuit    |
| H. B. 139 | 10   | School transportation     |

|  |    |                                     |
|--|----|-------------------------------------|
| H. B. 327                                  | 32 | Driver's license centers            |
| H. B. 262                                  | 12 | Discharging firearms                |
| H. B. 869                                  | 15 | Chattahoochee Valley Commission     |
| H. B. 10                                   | 17 | Criminal Code                       |
| H. B. 484                                  | 23 | Subdivisions                        |
| H. B. 3                                    | 13 | Oil and Gas                         |
| H. B. 356                                  | 8  | Drug labels                         |
| H. B. 269                                  | 9  | Swine diseases                      |
| H. B. 179                                  | 12 | Detainers Act                       |
| H. B. 140                                  | 8  | Clergymen                           |
| H. B. 480                                  | 21 | Social work                         |
| H. B. 118                                  | 11 | Driver's license                    |
| H. B. 147                                  | 10 | Blind parents exemption             |
| H. B. 294                                  | 12 | Practice of medicine                |
| H. B. 123                                  | 31 | J. W. Hunter                        |
| H. B. 1034                                 | 37 | Department of Pensions and Security |
| H. B. 435                                  | 37 | Tags—disable veterans               |
| H. B. 274                                  | 38 | Medical Services Administration     |
| 4. Resolutions creating interim committees |    |                                     |

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 308. To provide for the qualifications and selection of jurors; to provide for a master list, master jury box and trial court box; to provide for qualification forms and the questionnaires to be used thereon; and to repeal Sections 12-16-2, 12-16-4, 12-16-37, 12-16-39, 12-16-41, 12-16-42, and 12-16-43 of the Code of Alabama 1975.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 1050. Relating to Morgan County; providing for salary supplements for certain officers, payable from the county treasury.

JOHN W. PEMBERTON,  
Clerk.

#### FURTHER CONSIDERATION OF S. R. 455

The Senate proceeded to further consideration of the Resolution, S. R. 455.

The question was on the substitute offered by Mr. Goodwin.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 1. To amend Section 29-8-1 of the Code of Alabama 1975, so as to include the dean of Miles College Law School as a member of the council of the Alabama Law Institute.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 234. To name that portion of U. S. Highway 280 from the north boundary of Talladega, Alabama to the south boundary of Coosa County, "The Jim Nabors Highway."

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 13. To amend Sections 34-27-3, 34-27-4, 34-27-7, 34-27-9, and 34-27-33 through 34-27-38 of the Code of Alabama 1975 which regulate real estate brokers, salesmen and real estate transactions, so as to provide further therefor.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 11. To provide that any person who produces, displays, disseminates, or possesses with intent to disseminate obscene matter displaying or depicting children under the age of seventeen years engaged in lewd sexual activity or any parent or guardian who knowingly permits their child to be depicted therein shall be guilty of a felony and punished as provided herein, to provide a method of proof that such child is under the age of seventeen, to provide that possession of six or more copies of the same obscene material is prima facie evidence of intent to disseminate the same and to provide for the forfeiture and condemnation of certain property used in or related to the defined crimes, and to provide definitions for its provisions.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 978. Relating to Talladega County; to provide for the payment of a 30% supplementary salary to the district judges in Talladega County.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 990. To create the office of assistant judge of probate of Jefferson County; to prescribe the qualifications, duties and benefits for such office; and to repeal conflicting laws.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 631. To fix the compensation or salary of the Assistant or the Deputy Tax Collector of any branch of the Tax Collector in any county having a population of 600,000 or more according to the last Federal Census or any subsequent Federal Census, and to provide for the payment thereof.

JOHN W. PEMBERTON,  
Clerk.

#### FURTHER CONSIDERATION OF S. R. 455

The Senate proceeded to further consideration of the Resolution, S. R. 455.

The question was on the substitute offered by Mr. Goodwin.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 375. To provide for the sale of domestically raised rabbits, the slaughtering, dressing, processing, inspection, packaging and labeling for the sale of rabbit meat for human consumption; to authorize inspection services for the killing, butchering, processing, packaging and labeling of domesticated rabbits, rabbit meat and rabbit meat food products on a voluntary basis; to authorize the Commissioner of Agriculture and Industries to enter into agreements for inspection of domestically raised rabbits for the sale of rabbit meat and rabbit meat food products for human consumption; to authorize the levying of an inspection fee or charge to defray the cost and expenses of inspection for wholesomeness of rabbit meat and rabbit meat food products; to provide for the adoption of rules and regulations to effectuate the intent and purpose of this Act; and to authorize the expenditure of funds that may hereafter be available to carry out the provisions of this Act.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 1051. Relating to Morgan County; to further provide for the salaries of employees of the sheriff's department and to provide for additional employees.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 651. To make it unlawful to build, maintain or use an unsanitary sewage collection, treatment and disposal facility within Jefferson County, but excluding certain plumbing within municipalities and the unincorporated areas of the County; to authorize the Jefferson County Board of Health to adopt rules and regulations for the administration of this Act; to authorize the Jefferson County Board of Health to require the installation of required type and number of facilities; to require the submission of plans and specifications applying to sewage collection, treatment and disposal to the Jefferson County Board of Health; to provide for the approval of plans and specifications and issuance of permits for construction; to require certificates of competency, issued by the Jefferson County Board of Health, before any person, firm or corporation shall install, repair, clean or maintain any on-site

wastewater disposal system; to provide the basis for issuing and revoking such certificates of competency; to require a surety bond to assure compliance with the provisions of this Act and the rules and regulations promulgated hereunder; to repeal all laws in conflict with this Act; and to provide penalties for violation of this Act, and certain rules and regulations.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 1028. To alter or rearrange the boundary lines of the Town of Southside, Etowah County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Etowah County, Alabama.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 633. To fix the compensation or salary of the Assistant or the Deputy Tax Assessor of any branch of the Tax Assessor in any county having a population of 600,000 or more according to the last Federal Census or any subsequent Federal Census, and to provide for the payment thereof.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 705. To propose an amendment to the Constitution of Alabama which, if approved by the electors of this state, would authorize the Legislature, by general or local law, to provide for the establishment of fire districts within Madison County to provide fire fighting and prevention services and to authorize the levy and collection of certain rates, fees, charges or taxes for the support of such districts.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1098. Relating to Coosa County, providing that the Probate Judge shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for or in the process of transacting business.

Also:

H. 1117. To increase the salaries of certain officials of Cullman County and to provide for the manner of their payment.

Also:

H. 1090. Relating to Walker County, to create a license-issuing division within the probate judge's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to abolish the office of county license inspector as of January 1, 1979; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and costs pursuant to such system of renewal of motor vehicle licenses by mail; to create a special fund in the county treasury to receive such additional fees and costs of renewal by mail; and to authorize the establishment of auxiliary stations within the county for the sale of motor vehicle licenses and tags or decals.

Also:

H. 1141. To create an Industrial Development Authority for Escambia County for the purpose of promoting industry and trade and the development of said county; to provide for the organization, powers, functions, duties and personnel of such Authority and to provide for the payment of the expenses of such Authority and for the compensation of its employees.

Also:

H. 1120. Relating to Cullman County, to regulate further the compensation of the tax assessor and tax collector and to repeal conflicting laws.

Also:

H. 1143. Relating to Escambia County; to allow students of cosmetology or barbering in such county who have completed 250 hours of study in a registered school of cosmetology or barbering to work in a duly registered beauty shop or barber shop during non-school hours.

Also:

H. 1145. Relating to Escambia County; to provide for the compensation of the sheriff and all deputies sheriff other than the chief deputy sheriff in such county.

Also:

H. 1147. Relating to Escambia County; to provide for the compensation of the sheriff of said county.

Also:

H. 1077. Relating to Greene County, authorizing the sale of alcoholic beverages during certain times.



Also:

H. 923. To amend Section 1 of Act No. 458, H. 1175, Regular Session 1975 (Acts of Alabama 1975, p. 1085) relating to the election of certain assistant county officials of Jefferson County to serve in the branch offices in the City of Bessemer so as to provide that the term of the Assistant Tax Assessor and Assistant Tax Collector shall be concurrent with the Tax Assessor and Tax Collector of the County.

Also:

H. 1025. Relating to Jefferson County; authorizing all incorporated municipalities within said county to grant certain municipal ad valorem tax exemptions for up to fifteen years to owner-developers who build new commercial or industrial facilities on previously improved real property within the corporate limits of any such municipality located in said county; providing that such owner-developers receiving such exemptions shall, however, pay abatement property taxes assessed on not less than the highest value at which said property was assessed at anytime within five years prior to the grant of exemptions, and to provide for the procedures to be followed in the granting of such exemptions and in the determination of the amount of such abatement property taxes.

Also:

H. 783. To provide further for the salary of the Sheriff of Bullock County.

Also:

H. 781. Providing for purging the lists of registered voters in Walker County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Also:

H. 1002. Relating to Talladega County; to provide that the county governing body in regulating and providing for the use of voting machines in all elections in the county may, in the manner herein prescribed, divide any voting precinct of the county into territories, designate in each territory a voting center at which the qualified electors of the territory so designated may vote, and prescribe the number of voting machines to be maintained at each voting center; and to provide election officers for each voting center designated by the county governing body, prescribe the duties of such election officers, and fix their compensation.

Also:

H. 1040. Relating to the Fifteenth Judicial Circuit: to create the office of official Grand Jury Reporter for the Grand Juries of the Counties comprising such Circuit; to provide for the duties, powers, method of appointment and salary of such reporter.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1003. To amend Act No. 324, Regular Session of 1965 (Acts 1965, Regular Session p. 443), which Act establishes a Merit System for the City of Decatur, amending Section 2 of said Act so as to clarify the same regarding consultants in the exempt service by deleting the word temporary therefrom so that the same covers positions of consultants rendering professional service; and by making provision for any of the positions in the exempt service filled by persons formerly employed in like positions with a public corporation, including The Public Park and Recreation Board of the City of Decatur, Alabama, whose function involving such positions has been transferred to the City of Decatur at a time when such employees were so employed, to be placed in the classified service upon resolution of the governing body after favorable recommendation of the board, with the resolution of the governing body to prescribe the conditions under which the employee holding such position may acquire permanent status so long as such position remains in the classified service.

Also:

H. 1015. To repeal Act No. 612, H. 755, Regular Session 1967 (Acts 1967, p. 1416) as amended by Act No. 1069, H. 1721, 1971 Regular Session (Acts 1971, p. 1912), which provides for the appointment and compensation of a clerk for the sheriff in counties having a population of not less than 22,550 nor more than 24,550 according to the 1960 federal decennial census, or not less than 27,000 nor more than 27,900 according to the 1970 federal decennial census.

Also:

H. 1009. Relating to Talladega County; providing for the compensation of the tax assessor and tax collector.

Also:

H. 1007. Relating to Hale County; to provide an optional and alternative method of assessing and paying taxes on and issuing license tags for motor vehicles in such county.

Also:

H. 1016. Relating to Lawrence County; providing for the appointment and compensation of a clerk for the sheriff, providing retroactive effect, and repealing conflicting laws.

Also:

H. 1011. Relating to counties having population of not less than 33,550 nor more than 34,000 inhabitants according to the 1970 or any subsequent federal decennial census, to repeal Act No. 926, H. 893, Regular Session 1961 (Acts of 1961, p. 1485), as amended, entitled, "To regulate the compensation and allowances of members of the jury commission and the clerk of the jury commission of counties having populations of not less than 34,000 nor more than 35,500, according to the 1960 or any subsequent decennial census.

Also:

H. 1012. Relating to Tallapoosa County; to regulate the compensation and allowances of members of the jury commission and the clerk of the jury commission.

Also:

H. 1078. To authorize and provide for the establishment, maintenance, equipping, operation and financing of a public law library in Hale County; and to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within the county.

Also:

H. 1079. To repeal Act No. 700, H. 1535, Regular Session 1975 (Acts 1975, p. 1466), which act provides for an expense allowance for the county commission of any county having a population of 10,660 or less according to the 1970 or any subsequent federal decennial census.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### FURTHER CONSIDERATION OF S. R. 455

The Senate proceeded to further consideration of the Resolution, S. R. 455.

The question was on the substitute offered by Mr. Goodwin.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1074. Relating to Monroe County; to provide that the clerk of the tax assessor's office may be employed as clerk of the Monroe County board of equalization at a monthly compensation not to exceed \$100.

Also:

H. 1080. Amending Section 17 of Act No. 376, H. 1040 of the 1975 Regular Session (Acts 1975, Vo. II, p. 926), relating to the Greene County Racing Commission, so as to further provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of this act.

Also:

H. 1116. Relating to Cullman County; to provide additional expense allowances to certain officers.

Also:

H. 1091. To provide that no state penitentiary or other state correctional or penal institution shall be located within the boundaries of Walker County unless approved by a majority of the qualified electorate of the county.

Also:

H. 1092. To authorize municipalities of Walker County to elect to participate in the county civil service system and to provide for certain fees for employees of municipalities which so elect to be covered by the county merit system.

Also:

H. 1044. To allow the District Attorney for the Fifteenth Judicial Circuit to initiate and conduct a Pre-Trial Diversionary Program within said circuit for first offenders who are charged or may be charged with certain offenses, and to permit the District Attorney to bring legal proceedings against diversion applicants and/or other criminal defendants on behalf of victims of crime.

Also:

H. 900. Relating to Marshall County authorizing the county board of education to spend public school funds to provide comfortable office quarters, office furniture, office equipment, stationery, postage, forms, telephone service and supplies required by the county superintendent of education and his assistants.

Also:

H. 1022. This bill is for the purpose of establishing the Walnut Creek Lake Authority in Pike County, Alabama.

Also:

H. 688. To further amend Section 1 of Act No. 394, H. 828, Regular Session 1961 (Acts 1961, p. 406), which act relates to the employment of certain personnel for the sheriff's department of Lee County, so as to further provide for the employment of such personnel and their salaries and meal and uniform allowances.

Also:

H. 757. To authorize the Limestone County Commission to appoint a license commission for said county and to provide that such power of appointment shall include the authority to prescribe the duties, compensation and terms of the members of such commission.

Also:

H. 895. To repeal Act No. 15, H. 120, 1947 Regular Session (Local Acts of 1947, p. 14) as amended, entitled "An Act To provide for the municipality of Phenix City a civil service system governing the appointment, removal, salaries, tenure, and official conduct of employees and officers of the police and fire departments of the city, defining violations of the Act, and imposing penalties for violations" and to provide that such repeal shall become effective on the date on which the governing body of said city enacts an ordinance establishing a merit system for all employees of said city.

Also:

H. 1020. Relating to Walker County, to further provide for the duties and authority of the chairman of the board of registrars, to provide for the appointment of deputy registrars and to prescribe the duties, authority and compensation of such deputy registrars.

Also:

H. 1021. Relating to Walker County; to provide an increase in the expense allowance for the county treasurer.

Also:

H. 746. Relating to Lauderdale County; to provide that the County Superintendent of Education may maintain central offices anywhere within the county and that such offices be used for central office space only.

Also:

H. 291. To repeal Act No. 361, H. 1141, Regular Session of 1973 (Acts 1973, p. 515), entitled "An Act Relating to counties having not less than 16,350 nor more than 16,650 populations, according to the most recent federal decennial census; to provide an additional clerks hire allowance for the Probate Judge of such counties."

Also:

H. 714. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers, and the restructuring or abolition of certain offices of Geneva County.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 331. Relating to the 14th judicial circuit, providing further for the salary of the secretary of the jury commission.

Also:

H. 1033. Relating to the office of Chilton County; providing further for the appointment, number, duties and compensation of deputies; providing for the furnishing of quarters, equipment and clerical help; providing for an expense allowance for the sheriff; and repealing Act No. 955, S. 929, 1975 Regular Session (1975 Acts, p. 1991), and other conflicting laws.

Also:

H. 1023. Relating to Etowah County; providing that the sheriff shall have a concession to sell soft drinks, cigarettes, and assorted personal items to county prisoners and state prisoners in county custody; and providing that the profits from such sales shall be used for law enforcement purposes.

Also:

H. 1073. To repeal Act No. 564, H. 1321, 1977 Regular Session (Acts of 1977, p. 754), entitled "An Act Relating to all counties having a population of not less than 20,500 nor more than 21,500 according to the 1970 or any subsequent federal decennial census; to allow the county governing body and the governing body of each municipality in the county to contribute public funds to a volunteer rescue squad."

Also:

H. 1054. Relating to Winston County; authorizing and directing the State Highway Department to maintain all county roads which serve as rural mail or school bus routes.

Also:

H. 1061. Relating to Bullock County; to raise the salary of the tax assessor and tax collector.

Also:

H. 1053. Providing further for registration of voters in Blount County.

Also:

H. 837. Relating to Houston County; to provide a salary from the General Fund for each County Commissioner excluding the Chairman of the Commission.

Also:

H. 1118. Relating to Cullman County; to authorize the county governing body to expend county funds without regard to the competitive bid law, to purchase supplies and equipment for volunteer departments and fire units.

Also:

H. 898. To amend further Sections 16 and 24 of Act No. 13, H. 118, 1947 Regular Session (Local Acts 1947, p. 7), as amended, which establishes for the municipality of Phenix City a pension and relief system for the benefit of firemen and policemen, so as to regulate further creditable service for such system and to further provide for insufficiencies in the pension and relief fund.

Also:

H. 969. To provide further for the mutual time exchange by members of the Fire Department of the City of Montgomery in Montgomery County, Alabama.

Also:

H. 952. To amend further "The Civil Service Act of Dothan", Act No. 273, S. 292, of the 1947 Regular Session (Local Acts 1947, p. 196), in order to redefine the words, "Department Head", to include heads of newly created departments and to provide further for the abolition of departments of the city government, the consolidation of two or more of such departments into one department and the creation of new departments; to give the Personnel Board the authority to reduce the severity of disciplinary action taken by an Appointing Authority after due process and appeal before the Personnel Board when mitigating circumstances so warrant, and for such purposes amending Sections 2, 3, and 21.

Also:

H. 948. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Flint City in Morgan County.

Also:

H. 970. Relating to Mobile County, to allow the sale of wines at retail at any time except Sundays, and to make the covering of table wines on Sundays optional.

Also:

H. 976. To revise, amend and reenact Act 762, S. 610 the 1976 Regular Session (1976 Acts, p. 1046) relating to the right of the Morgan County Commission to perform work on public works so as to delete the requirement of submitting a detailed report each six months and to delete the termination date of the provisions of such act.

Also:

H. 977. To authorize certain expense allowances for the members of the board of education in Morgan County.

Also:

H. 980. Relating to Elmore County; to levy an excise and privilege tax on the severance of clay, sand and gravel in said county; to provide for the collection, payment, and administration of such tax; and to provide for the disposition of the proceeds from such tax.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been

publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 996. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Pennington, in Choctaw County.

Also:

H. 1001. Relating to Talladega County; to provide a salary supplement to the circuit court register.

Also:

H. 1046. Relating to Dale County; to authorize the county governing body to provide for the relief of county employees who suffered unpaid claims when the insurance company that the county had its hospitalization and medical insurance with went bankrupt; to provide further that the total amount of county funds expended under the provisions of this Act shall not exceed \$7,500.

Also:

H. 1112. To provide for compensation and expense allowance for the Coroner of Henry County, Alabama.

Also:

H. 1104. Relating to Colbert County, providing further for the compensation for members of the county board of education.

Also:

H. 1103. Relating to Colbert County, to provide further compensation for the chairman and each member of the board of equalization, payable from the county general fund.

Also:

H. 1107. Relating to Colbert County, to provide for certain expense allowances and salaries for certain county officials, and providing that this act shall become effective only if approved at a referendum election in Colbert County.

Also:

H. 1072. Relating to Monroe County; to allow the county commission and the governing body of each municipality in the county to contribute public funds to a volunteer rescue squad.

Also:

H. 1076. To create the office of county treasurer of Greene County; to provide for the appointment of the county treasurer and to prescribe his powers, duties, term and compensation.

Also:



H. 1151. Relating to Geneva County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, and repealing conflicting laws.

Also:

H. 1144. Relating to Escambia County; providing for the payment or reimbursement by said county to the members, including the chairman of the county commission, of their actual expenses incurred in the performance of their duties outside the county, including expenses incurred by them in attending conventions of the National Association of County Commissioners and the Alabama Association of County Commissioners.

Also:

H. 1146. Relating to Escambia County; to amend further Act No. 411, H. 742, 1963 Regular Session (Acts 1963, p. 912), as amended, which act creates a county governing body for Escambia County, so as to authorize the governing body to establish a personnel board for the county and to prescribe the powers, duties and compensation of any such board; and to repeal Act 497, H. 1149 of the 1977 Legislature of Alabama (1977 Acts, p. 648) entitled, "An Act To provide for the establishment of a merit system for certain counties and municipal law enforcement officers in Escambia County, Alabama, and a merit system board governing the removal and official conduct of such officers; defining violations of the act; imposing penalties for violations; and repealing conflicting laws."

Also:

H. 1128. Providing for the establishment of a merit system for the county and municipal employees in Blount County, Alabama; and a merit system board governing the removal and official conduct of such county and municipal employees; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Also:

H. 1119. Relating to Cullman County; to regulate employment practices with regard to road employees; to establish a county road personnel board and provide for its powers, jurisdiction, duties, compensation and allowances, membership, office space, supplies, equipment and clerical assistance; to provide for examination of job applicants; to establish procedures for employment and for suspension, discharge and other disciplinary actions and to provide for appeals from such actions and from decisions of the board; to prescribe duties and powers of the county governing body and the sheriff with regard to the board; to provide penalties for certain violations; to prohibit certain activities on the part of employees; to make the effectiveness hereof contingent upon the enactment of Senate Bill 346 of the 1978 Regular Session and its approval by the electors of the county at the referendum election provided for therein.

Also:

H. 1142. Relating to Escambia County; to provide that the county commission of Escambia County may allocate and distribute among the several presently incorporated municipalities of Escambia County on pro rata basis 33 1/3 percent of any oil and gas privilege tax monies which may be

received by Escambia County under the authority of any general or local law enacted by the legislature of Alabama after January 1, 1978.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### FURTHER CONSIDERATION OF S. R. 455

The Senate proceeded to further consideration of the Resolution, S. R. 455.

The question was on the substitute offered by Mr. Goodwin.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 947. To validate certain payments made to the register of Calhoun County pursuant to Act 194, 1967 Regular Session (Acts of 1967, p. 241) which were made from the effective date of the 1970 federal census to January 15, 1977.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 184. To authorize municipalities which retain their municipal courts to retain funds collected as "fair trial tax" and to use such funds to defray the costs of providing representation for indigent defendants in their courts; to require that such municipalities remit to the state treasury any funds collected as "fair trial tax" which are not used in providing representation for indigent defendants in their courts, notwithstanding the provisions of Article 5, Chapter 19, Title 12, Code of Alabama, 1975; to repeal conflicting laws.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 173. To revise and amend certain provisions of Chapter 10 of Title 17, Code of Alabama 1975, so as to provide for an "absentee election manager" to fulfill the duties imposed by Chapter 10 relating to absentee voting. This bill makes optional the performance of these duties by the circuit register or clerk.

Also:

H. 342. To amend the Code of Alabama 1975, sections 40-16-1, 40-16-3, 40-16-4, and 40-16-5, so as to qualify the common parent corporation of a controlled group of financial institutions recognized as a registered bank holding company, as a financial institution as defined in the Code of Alabama 1975, Financial Institution Excise Tax, section 40-16-1, for excise tax purposes and thus exempt from income taxes; so as to prevent taxation of intercompany dividends within such a controlled group of corporations; so as to change the due date of the return required by the department of revenue from within the first 10 days of April in each year, to April 15 of each year; so as to permit qualified controlled corporate groups currently required to file Alabama excise tax returns on a separate basis to file on a consolidated basis; so as to establish a prima facie liability for the amount of excise tax due in accordance with the amount shown to be due by the taxpayer's return; so as to change the due date for the payment of the excise tax assessed from within 30 days of notice of assessment by the department of revenue to April 15 of each year, to provide an interest penalty upon delinquent unpaid balances after April 15, and to provide installment payments in the case of an extension of the due date of the return; so as to provide a statutory period of limitations upon assessment and collection of excise taxes; so as to repeal conflicting laws; and so as to give this Act retroactive effect.

Also:

H. J. R. 38. REQUIRING STATE EMPLOYEES USING STATE MOTOR VEHICLES TO PURCHASE GASOLINE AT SELF-SERVICE GASOLINE PUMPS.

Also:

H. J. R. 55. COMMENDING JERRY BOBO, FAYETTE COUNTY HIGH SCHOOL BAND DIRECTOR.

Also:

H. J. R. 56. HONORING MISS BESS SAVAGE FOR FORTY YEARS OF MERITORIOUS SERVICE WITH THE FAYETTE COUNTY DEPARTMENT OF PENSIONS AND SECURITY.

Also:

H. J. R. 57. COMMENDING THE REVEREND BYRON WHITE, OUTSTANDING RELIGIOUS LEADER.

Also:

H. J. R. 424. NAMING A PORTION OF ALABAMA HIGHWAY 68, THE "J. B. BURKHALTER HIGHWAY."

Also:

H. J. R. 425. NAMING COUNTY ROAD 102 IN CHEROKEE COUNTY, ALABAMA, THE "VICKIE DAVIS MACKEY ROAD."

Also:

H. J. R. 426. NAMING THE INTERSECTION OF U. S. 411 AND COUNTY ROADS 31 and 13, THE "JORDANS CROSSROADS."

Also:

H. J. R. 434. REQUESTING THE HIGHWAY DEPARTMENT TO ERECT AND INSTALL, AS ALLOWABLE WITHIN FEDERAL REGULATIONS AND GUIDELINES, SIGNS AND MARKERS ON INTERSTATE AND OTHER HIGHWAYS LEADING INTO BIRMINGHAM, ALABAMA, DIRECTING MOTORISTS TO THE FARMERS' MARKET.

Also:

H. J. R. 543. NAMING THE DULY APPOINTED "LIVE IN A LANDMARK" COUNCIL MEMBERS AS THE BOARD OF DIRECTORS; AUTHORIZING STATE AND REGIONAL COUNCILS TO ELECT OFFICERS AND SELECT BOARD MEMBERS; AUTHORIZING THE "LIVE IN A LANDMARK" COUNCIL TO DISTRIBUTE TECHNICAL MATERIAL AND PLAQUES; ENCOURAGING THE "LIVE IN A LANDMARK" COUNCIL TO ACCEPT MEMBERSHIPS IN EVERY COUNTY IN ALABAMA.

Also:

H. J. R. 582. REQUIRING THE HIGHWAY DEPARTMENT OF THE STATE OF ALABAMA TO ERECT PROPER SIGNS ON I-20 INDICATING THE ANNISTON EXITS.

Also:

H. J. R. 588. URGING PRESIDENT CARTER'S SUPPORT OF H. R. 6782, THE EMERGENCY AGRICULTURAL ACT OF 1978, NOW PENDING IN THE UNITED STATES CONGRESS.

Also:

H. J. R. 589. MEMORIALIZING CONGRESS IN OPPOSITION TO CHANGE IN FREQUENCY OF DEPOSITS OF SOCIAL SECURITY CONTRIBUTIONS.

Also:

H. J. R. 583. NAMING THE PERFORMING ARTS-CLASSROOM BUILDING PRESENTLY UNDER CONSTRUCTION AT JACKSONVILLE STATE UNIVERSITY, "ERNEST STONE HALL."

Also:

H. J. R. 615. VOICING THE ALABAMA LEGISLATURE'S STRENUOUS OPPOSITION TO NEW REGULATIONS OF THE FEDERAL BUREAU OF ALCOHOL, TOBACCO AND FIREARMS RELATING TO GUN CONTROL.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 150. To amend the act proposed by H. B. 1134 of the 1977 Regular Session, which is entitled "An Act To provide for a pay increase for sworn law enforcement officers with full peace officer authority in the service of the state, and to appropriate necessary funds," so as to add certain other sworn law enforcement officers to the list whose compensation will be increased.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 332. To amend Section 40-12-270 of the Code of Alabama 1975, so as to make further provisions as to the use of that portion distributed to the state of the proceeds of the motor vehicle license taxes and registration fees imposed by Division 1, Article 5 of Chapter 12, Title 40, Code of Alabama 1975, as amended.

Also:

H. 333. To make further provision for the issuance of bonds by Alabama Highway Finance Corporation by (i) amending Section 23-1-177 of the

Code of Alabama 1975 so as to limit to Twenty-five Million Dollars the principal amount of bonds (other than refunding bonds) authorized to be issued by the said corporation after February 1, 1978, and so as to provide that no bond is issued under Article 7 of Chapter 1 of Title 23 of the said Code may mature later than twenty years from its date, (ii) supplementing the said Article 7 by the appropriation and pledge of funds necessary to pay the principal of and the interest on bonds issued after February 1, 1978, under the said Article 7, and specifying the rank or precedence of the pledges for the benefit of the said bonds, and (iii) repealing Section 9 of Act No. 228 adopted at the 1965 Regular Session of the Legislature.

Also:

H. 334. To amend Article 1, Chapter 17 of Title 40 of the Code of Alabama 1975 (relating to the excise tax on motor fuel as defined in the said Article 1), so as to make further provision for the disposition of the proceeds of the tax levied thereby.

Also:

H. 335. To amend Division 2, Article 2 of Chapter 17 of title 40 of the Code of Alabama 1975 so as to make further provisions as to the distribution of the proceeds of the highway gasoline tax, as that term is defined in the said Division.

Also:

H. 336. To amend Section 15 of Act No. 565 adopted at the 1976 Regular Session of the Legislature so as to clarify the said section; so as to provide that the pledges, provided for in the said Act No. 565, as amended by this act, of proceeds from certain taxes and fees as security for \$212,000,000 principal amount of obligations of Alabama Federal Aid Highway Finance Authority will be subject and subordinate not only to existing prior pledges but also to (i) all pledges of proceeds from the said taxes and fees that may hereafter be made as security for \$25,000,000 principal amount of bonds of Alabama Highway Finance Corporation and (ii) all pledges of the said proceeds that may be made after December 1, 1977, for the benefit of certain refunding bonds; and so as to delete the portion of the said Section 15 that provides for the pledge, for the benefit of obligations issued under the said Act No. 565, of the registration fee imposed by subdivision (5) of Section 37-3-32 of the Code of Alabama 1975.

Also:

H. 1024. To name the Allied Health Building at George C. Wallace State Community College after Mrs. Nell Espy Gary.

Also:

H. 217. To amend further section 12-19-210, Code of Alabama 1975, as amended, which relates to jurors' expense allowances, so as to provide that such allowances shall be payable from the state treasury, and to make the act retroactive.

Also:

H. 711. To authorize counties and incorporated municipalities in this state to form a regional, nonprofit, public corporation which will provide for the temporary care and custody of youths who have been placed under the jurisdiction of a juvenile court; to provide for the chartering and general

organizational structure of such corporation; to authorize governing bodies of such counties and municipalities to appropriate monies for the support of such corporation's facilities and programs; to provide for local control by the corporation's board of directors of the operation of any of such corporation's facilities and programs and to provide certain tax exemptions for such corporation.

Also:

H. 841. To amend Sections 16-17-7, 16-17-16 and 16-17-19 of the Code of Alabama 1975, so as to provide for further powers of the Board of Directors of the Authority; to provide additional instructions relating to payment of earning of the Authority; to provide for a determination as to when and where title shall vest after full payment of certain bonds; and to provide for retroactive effect.

Also:

H. 443. To amend Section 36-22-17 of the Code of Alabama, 1975, to provide for the disposition of all fees, commissions, percentages, allowances, charges and court costs heretofore collectible for the use of the sheriff and his deputies.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### FURTHER CONSIDERATION OF S. R. 455

The Senate proceeded to further consideration of the Resolution, S. R. 455.

The question was on the substitute offered by Mr. Goodwin.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1106. Relating to Colbert County, to provide further compensation for the clerk and members of the jury commission, payable from the county general fund.

Also:

H. 812. Relating to Blount County; to repeal the expense allowance of the members of the county commission; and to provide for an expense allowance for members of the county commission.

Also:

H. 785. To amend Section 1 of Act No. 89, H. 40, of the Regular Session of 1969 (Acts of 1969, p. 373), so as to further regulate the compensation and allowances of members of the board of education of Covington County and provide for the payment thereof.

Also:

H. 814. Relating to Blount County; to provide further for the compensation of the Board of Equalization of the county.

Also:

H. 856. Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Trinity.

Also:

H. 813. Relating to Blount County; providing further for the compensation of the Board of Registrars of the county.

Also:

H. 828. To provide for purging the lists of registered voters in Choctaw County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Also:

H. 1126. Relating to Hale County; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Also:

H. 882. To amend Section 12 of Act No. 592, S. 456, Regular Session 1953 (Acts 1953, Page 838), entitled "An Act To Provide for the City of Anniston, in Calhoun County, a Civil Service System governing the appointment, removal, salaries, tenures and official conduct of employees of the City; defining violations of the Act, imposing penalties for violations; and repealing conflicting laws."

Also:

H. 1110. Relating to Wilcox County; further regulating the handling and expenditures of certain court fees accruing to Wilcox County; establishing the Wilcox County Law Library Fund and authorizing the expenditures of such funds; creating the Wilcox County Law Library Board and providing for its appointment, powers and duties; providing for taxation of \$3.00 court costs as a law library fee in all criminal, quasi-criminal or civil cases or other proceedings in the Circuit Court, District Court and Small Claims Court of Wilcox County.

Also:

H. 1111. Relating to Wilcox County; to amend Section 1 of Act No. 83, S. 167, 1971 Regular Session (Acts of 1971, p. 345) relating to fees for pistol



permits and their disposition, so as to further regulate the amount and disposition of such fees.

Also:

H. 1059. Relating to the 25th Judicial Circuit; creating the office of public defender and providing for the manner of appointment, the operation and financing of such office; providing such office for the representation and defense of persons accused of crime whom the courts declare indigent; establishing the Public Defender Commission; defining the authority, powers, duties and limitations of said commission and defender; providing for the vacancy of said office of defender; authorizing the taxing and collecting of certain additional court costs in certain courts within said counties for financing the operation of the office of Public Defender and representation of indigents, such revenues to be designated for the Public Defender's fund; continuing the opportunity for lawyers to be appointed to represent such indigents; requiring that any excess money in the Public Defender Fund be returned on a pro rata basis to the counties and municipalities which funded the said office and its operation; and providing for the retroactive effect of certain provisions of this act.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### FURTHER CONSIDERATION OF S. R. 455

The Senate proceeded to further consideration of the Resolution, S. R. 455.

The question was on the substitute offered by Mr. Goodwin.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 426. Relating to voter registration; to provide for a board of registrars, their duties, terms and compensation; to provide for the registration of electors; to provide for clerical help and office supplies for registrars; to provide for meetings and times and places of registration by the board; to provide penalties for certain violations; to provide for the publication of the list of registered voters; to provide for deputy registrars; and to repeal Code of Alabama, 1975, Sections 17-3-1 through 17-4-24, 17-4-40 through 17-4-47, 17-4-60 through 17-4-67 and other conflicting laws.

Also:

H. 1095. Relating to Montgomery County; to provide additional compensation for the members of the Board of Registrars.

Also:

H. 1094. Relating to Montgomery County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses; giving this act retroactive effect.

Also:

H. 941. Relating to Jefferson County; to prescribe the civil service system status of certain truck weight inspectors and transfer agents employed in the sheriff's office of said county.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Armstrong and Howard:

H. J. R. 645. MOURNING THE DEATH OF COACH EUIL SNIDER.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 645, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 433. COMMENDING FREDERICK HOWARD DAVIS, SR., ON HIS MANY CONTRIBUTIONS TO THE STATE OF ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

## FURTHER CONSIDERATION OF S. R. 455

The Senate proceeded to further consideration of the Resolution, S. R. 455.

The question was on the substitute offered by Mr. Goodwin.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate bill:

S. 738. Relating to Jackson County, Alabama, to provide for the budgeting for the number, classification, and compensation of employees of the office of Sheriff of such county, and the manner of payment therefor; to provide for motor vehicles for said office and maintenance thereof; to provide for the payment of operational cost of the Sheriff's Office; and repealing conflicting laws.

And the Speaker of the House has appointed as a Committee on the part of the House Messrs. Killian, Starkey and Lutz.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 690. To further amend Section 13 of Act 418, S. 358, approved November 13, 1959 (Acts 1959, p. 1107), which Act authorized the governing body of DeKalb County, Alabama to impose a certain gasoline excise tax within said county so as to provide further for the disposition of the proceeds from such tax.

JOHN W. PEMBERTON,  
Clerk.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 22. To amend Code of Alabama, 1975, Section 37-1-80 so as to define the reasonable value of a public utility's property to be used as a rate base in fixing utility rates by eliminating therefrom the amount of new investment to be added in the year immediately following the test period; to repeal conflicting laws and to fix the effective date of this Act.

Also:

S. 24. To prohibit any telephone company, through any interconnect-

ing or other agreement with South Central Bell Telephone Company, or its successor, or otherwise, from receiving an automatic increase in its net return, as the result of any order of the Alabama Public Service Commission or court granting an increase to South Central Bell Telephone Company, or its successor, in its intrastate net return; to repeal all laws and parts of laws in conflict herewith, and to provide the effective date of this Act.

Also:

S. 26. Relating to appeals from the actions or orders of the Alabama Public Service Commission in certain cases; providing for the time, manner and procedure for taking such appeals and for the effect thereof; providing for the construction of this Act; and repealing all laws and parts of laws in direct conflict or inconsistent with the provisions of this Act.

Also:

S. 83. To amend the Alabama Civil Defense Act of 1955 now appearing in Sections 31-9-2 through 31-9-24, Code of Alabama 1975, so as to authorize state grants for local civil defense and emergency preparedness programs.

Also:

S. 208. To amend Sections 36-32-3, 36-32-4 and 36-32-7, Code of Alabama 1975, relating to the Alabama Firefighters' Personnel Standards and Education Commission, so as to provide further for the Executive Secretary and clerical assistants of the Commission, to provide that the members of this Commission shall receive per diem for each meeting plus travel expenses as provided by state travel law, to provide a quorum shall be a majority of the members, to provide the employment of an Assistant to the Executive Secretary as duties and functions may require, and to further provide a 12 months period for applicant to complete 240 hours training.

Also:

S. 223. To require a notification procedure for the issuance by counties, cities, towns, municipalities and public corporations of industrial revenue bonds under Sections 11-20-1, et seq. CODE OF ALABAMA 1975 (relating to industrial revenue bonds to be issued by counties), Sections 11-54-20, et seq. CODE OF ALABAMA 1975 (relating to industrial revenue bonds to be issued by municipalities), Sections 11-54-80, et seq. CODE OF ALABAMA 1975 (relating to industrial revenue bonds to be issued by municipal industrial development boards), Sections 11-58-1, et seq. CODE OF ALABAMA 1975, as amended (relating to industrial revenue bonds to be issued by municipal medical clinic boards), Sections 22-21-170, et seq. CODE OF ALABAMA 1975 (relating to industrial revenue bonds to be issued by county and municipal hospital authorities), Act No. 4, enacted at the 1956 Second Special Session of the Alabama Legislature (1956 Acts, p. 240, et seq.), as amended (relating to industrial revenue bonds to be issued by certain municipalities to finance hotel and motel projects), Act No. 337 enacted at the 1971 Third Extra Session of the Alabama Legislature (1971 Acts, p. 4625, et seq.) (relating to industrial revenue bonds to be issued by certain municipalities to finance hotels and motels projects), Act No. 762 enacted at the 1977 Regular Session of the Alabama Legislature and now appearing in Sections 11-20-30, et seq. of the CODE OF ALABAMA 1975 (1977 Cumulative Supplement) (relating to industrial revenue bonds to be issued by county industrial development boards), to provide, in addition to their present functions and duties, the

functions and duties of the Alabama Securities Commission and its Director (as provided under Sections 8-6-50, et seq. CODE OF ALABAMA 1975, with respect to such industrial revenue bonds), to establish and provide for the membership, functions and duties of the State Industrial Revenue Bond Advisory Council; to authorize the issuance of stop orders by the Alabama Securities Commission and/or the Director delaying or prohibiting the issuance of industrial revenue bonds; to provide for certificates of notification by the Director, the effect of such certificate, and a remedy for failure or refusal of the Director to issue such certificate; to provide for the assessment of filing fees by the Securities Commission; to provide criminal penalties for willful violations of this act or stop orders issued thereunder; and to provide relief from stop orders of the Director by readoption by the governing body of the issuer of the authorizing proceedings, or from stop orders issued by the Alabama Securities Commission by judicial validation under Sections 6-6-750, et seq. CODE OF ALABAMA 1975 (relating to the judicial validation of securities issued by counties, cities and towns) and Sections 11-81-220, et seq. CODE OF ALABAMA 1975 (relating to the judicial validation of securities issued by boards and public corporations) and as supplemented in this act for proceedings hereunder, and relief from stop orders of the Council by such judicial validation.

Also:

S. 243. To prescribe the annual salary of the Commissioner of Agriculture and Industries and to provide for the effective date of this Act.

Also:

S. 316. To require comprehensive health education in the public schools of Alabama.

Also:

S. 339. To exempt the Northeast Crenshaw Water and Fire Protection Authority in Crenshaw and Montgomery Counties, Alabama, from the provisions of Section 40-21-82 of the Code of Alabama of 1975, which levies a certain tax on the gross receipts and gross sales of certain utilities.

Also:

S. 345. To provide that whoever knowingly sells and delivers any coal which has been mixed or loaded in the delivery container together with any substance or material other than coal or together with coal of a different quality with intent to defraud the purchaser of such coal or with the intent to obtain a higher price for such coal by inducing the purchase to believe that such coal is of a higher quality or different quality than is actually delivered shall be guilty of criminal fraud; and providing penalties therefor.

Also:

S. 659. To appropriate \$1,200,000.00 from the Special Educational Trust Fund to the Alabama Institute for the Deaf and Blind for capital outlay purposes for the fiscal year ending September 30, 1979.

Also:

S. 660. To appropriate \$570,000.00 from the Special Educational Trust Fund to the Adult Department of the Alabama Institute for Deaf and Blind for the construction, erection, maintenance and equipping of a shel-

tered workshop for the deaf and severely handicapped for the fiscal year ending September 30, 1979.

U. W. CLEMON,  
Chairman.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

### BILLS ON THIRD READING

#### The Bill:

H. 932. To amend Section 6, Act No. 727, H. 1714 of the 1973 Regular Session (Acts 1973, Vol. II, p. 1086), which act regulates the method of compensating certain officers in Bibb County, so as to further regulate the method of compensation for the probate judge for services he renders as chairman of the county commission, and to validate such method retroactively to the effective date of the original act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

#### Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, Shelby, Teague, Vacca, Waldrop, Wilson.

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#### Nays:

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#### The Bill:

H. 935. Relating to Bibb County; to provide for the levy and collection of an additional five mill ad valorem tax outside the corporate limits of the incorporated municipalities of the county for water, sewer and fire protection purposes in the affected area; and to provide for a referendum election by the electors of the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

#### Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, Shelby, Teague, Vacca, Waldrop, Wilson.

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#### Nays:

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The Bill:

H. 933. Relating to Bibb County; to further amend Act No. 866, H. 1194, Regular Session 1969 (Acts 1969, p. 1577), as amended, which act provides for compensation and expenses of the sheriff, appointment of deputies, secretaries and jailers, so as to further provide for the salaries and expense allowances of certain members of the sheriff's staff.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, Shelby, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 934. Relating to Bibb County; to authorize the county governing body of said county to pay a certain monthly expense allowance for the Secretary of the Bibb County Board of Equalization for work performed in the statewide property reappraisal program for ad valorem tax purposes.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, Shelby, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 925. To provide for a county salary supplement for the District Attorney of the 37th Judicial Circuit and to provide for the payment of such supplement out of county general funds.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Higginbotham, Little, Mims, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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*Nays:*

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The Bill:

H. 786. Relating to Shelby County; providing for the temporary detention, care and handling of mentally ill persons, pending any formal commitment proceedings for the purpose of determining whether such persons should be committed to the Alabama state hospitals.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, Mims, Noonan, Owen, Peden, Perloff, Perry, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 788. Relating to county health officers or administrators in Tuscaloosa County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Fine, Gilmore, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, Shelby, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 793. Relating to Clarke County; to provide further for the compensation of election officials.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Noonan, Owen, Pearson, Peden, Perloff, Perry, Proctor, Roberts, St. John, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 1165. Providing for purging the lists of registered voters in Geneva County; requiring and prescribing the procedure for the purging and reidentification of registered voters; placing certain duties on the board of regis-



trars, judge of probate, and the county governing body relative to the reidentification and purging of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Foshee, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 961. Relating to Calhoun County; to amend Section 1 of Act No. 425, H. 997, Regular Session 1975 (Acts of 1975, p. 1020), relating to the Industrial Development Authority for Calhoun County, so as to increase the membership of the Authority to 28 members and to provide that members of the Calhoun County legislative delegation need not reside in Calhoun County in order to qualify to be an Authority member.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Stewart, Teague, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 719. Relating to Rainbow City in Etowah County; to provide for a special election of the electors of Rainbow City on the issue of whether or not the people of Rainbow City want to create a separate municipal school board in Rainbow City; to provide for the termination of any municipal school system for Rainbow City in the event the voters vote to stay within the county system; and to provide for the creation of a municipal school system, in accordance with existing laws, for Rainbow City if the electors vote in favor of creating such a municipal school system.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 719, to-wit:

#### COMMITTEE AMENDMENT TO H. B. 719

Amend H. B. 719, Page 1, Section 1, Line 24 by deleting the following:

"the first Tuesday following the passage of the Act" and inserting in lieu thereof the following:

"May 2, 1978,"

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Jones, King, Little, McDonald (S), Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Waldrop.

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*Nays:*

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Mr. Waldrop offered the following amendment to the Bill, H. B. 719, as amended, to-wit:

#### AMENDMENT TO H. B. 719, AS AMENDED

Amend H. B. 719 as follows:

In Section 1, on page 2 on line 20 insert the following new paragraph:

Should the city governing body of Rainbow City, Alabama prior to May 2, 1978 recind ordinance number 131 and thereby abolish the Rainbow City Board of Education, such action shall have the same affect as a negative vote by the electorate at the election provided by this act.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Jones, King, Little, McDonald (S), Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Waldrop.

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*Nays:*

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And said Bill, H. B. 719, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Jones, King, Little, McDonald (S), Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Waldrop.

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*Nays:*

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The Bill:

H. 1139. Relating to the city of Jacksonville in Calhoun County; to provide for the election by popular vote of members of the city board of

education, to prescribe their terms, qualifications and compensation, and to abolish the existing board of education in such city.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, H. B. 1139, to-wit:

#### COMMITTEE SUBSTITUTE FOR H. B. 1139

##### A BILL TO BE ENTITLED AN ACT

Relating to the City of Jacksonville in Calhoun County; to provide for an advisory referendum for the qualified electors to express whether the members of the city board of education shall be elected by election as herein provided.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of the City of Jacksonville in Calhoun County shall provide an order for an advisory election, to be held on November 7, 1978, on the question of whether the city school board of education shall continue to be appointed or if the city school board of education shall be elected as herein provided.

Section 2. Notice of such election shall be given for thirty days by publication in a newspaper published in said city once a week for three successive weeks, which notice shall state the purpose for which the election is to be held and the time and place for holding the same. Such notice shall be signed by the mayor.

Section 3. The ballot used at such election must be prepared by the city council and shall contain substantially the following: "For continued appointment of school board members," and "For election of school board members," in the respective columns. The voter shall indicate his choice by placing a cross mark before or after the one or the other question.

Section 4. Such election shall be held and the officers appointed to hold the same shall be appointed in the manner provided by law for holding other municipal elections, and the returns thereof shall be tabulated and the results certified as provided by law for such law. The cost of the election, including the cost of publishing notices thereof, shall be paid out of the general funds of the city.

Section 5. The mayor shall certify the results of the election to each member of the legislature who represents the City of Jacksonville. The results of the election shall be advisory only.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Stewart, Teague, Waldrop, Wilson.

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*Nays:*

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And said Bill, H. B. 1139, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, Stewart, Teague, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 1087. Relating to St. Clair County; to require the county governing body of said county to provide for a civil service merit system for employees of the sheriff's office in said county.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 1087, to-wit:

#### COMMITTEE AMENDMENT TO H. B. 1087

Amend House Bill 1087, on Page 1, line 37, by adding the following:

"Clerk \$500.00 per month".

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Waldrop, Wilson.

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*Nays:*

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And said Bill, H. B. 1087, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 1121. To amend further Act No. 592, S. 456, Regular Session 1953 (Acts 1953, p. 838), which act establishes a civil service system for employees of the City of Anniston, Alabama in Calhoun County, so as to provide further for certain expenditures of the civil service board created by said act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Stewart, Teague, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 964. Relating to Calhoun County; to amend Section 3 of Act No. 274, H. 990, Regular Session 1975 (Acts of 1975, p. 809), relating to the civil service system of Calhoun County, so as to provide that members of the Calhoun County Civil Service Board shall be appointed by all the members of the Calhoun County legislative delegation.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Owen, Peden, Perloff, Perry, Powell, Roberts, St. John, Stewart, Teague, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 1109. To amend Section 1 of Act No. 244, H. 599, 1951 Regular Session (Acts of 1951 p. 521), relating to Sumter County, so as to further provide for the amount paid annually by the county governing body to the county board of education.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Foshee, Goodwin, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 1099. To provide for purging the lists of registered voters in Coosa County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars, judge of probate and the county governing body relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Jones, King, Little, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Perry, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 1122. Relating to the City of Anniston, Alabama; authorizing the City of Anniston, Alabama, at the sole discretion of the City Council of said City, to appropriate funds each fiscal year to pay not to exceed fifty percent (50%) of the costs of the Calhoun County District Court, Juvenile Division.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Roberts, St. John, Stewart, Teague, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 1135. Relating to Shelby County; authorizing any bank situated within the County to open, establish, operate and maintain branch banks, branch offices or other places of business within the limits of said county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, Mims, Pearson, Peden, Perloff, Perry, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 1138. To further amend Section 5 of Act No. 2182, H. 2753 Regular Session 1971 (Acts 1971, p. 3489) entitled "An Act To provide for the City of Jacksonville in Calhoun County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws, so as to increase the pay of members of the Board and to increase the authorized expenditure of the municipality for the operation of the board, and further limit the officers and employees to which the act shall not apply," so as to provide staggered terms for members of the board.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Fine, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Perloff, Powell, Proctor, Roberts, St. John, Stewart, Teague, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 185. Relating to Baldwin County; providing for the regulation of the construction of water wells within said county; providing for the licensing of water well drillers; providing for the promulgation and publication of rules and regulations to effectuate the provisions of this act; creating a board to be known as the Baldwin County Water Well Standards Board; providing for the qualification, appointment and removal of board members and the filling of vacancies and fixing their tenure of office; providing penalties for violation of this act; and repealing conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, McDonald (A), McDonald (S), Mitchell, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 1150. Relating to Baldwin County; to provide an additional expense allowance for the register of the Circuit Court.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Edwards, Ellis, Gilmore, Goodwin, Jones, King, McDonald (S), McMillan, Mims, Mitchell, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 1149. To provide certain county salary supplements for all district judges serving within the Twenty-Eighth judicial circuit of this state and to provide for retroactive effect.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Peden, Perry, Proctor, St. John, Teague, Vacca.

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*Nays:*

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The Bill:

H. 1148. Relating to Baldwin County; providing for the collection of a filing fee on instruments, documents and papers filed for records in the Probate Judge's office.

was taken up.

Mr. Owen offered the following amendment to the Bill, H. B. 1148, to-wit:

#### AMENDMENT TO H. B. 1148

Amend House Bill 1148, Section 5, page 2, line 22, after the word "law" by deleting the "." and adding the following: "and will expire 24 months after the effective date of said act."

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Ellis, Fine, Foshee, Gilmore, Jones, King, Little,



Mims, Mitchell, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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And said Bill, H. B. 1148, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 756. To amend Act No. 556 of the Regular Session of the Legislature of Alabama of 1959, approved November 19, 1959 (Ala. Acts, 1959, p. 1376), as heretofore amended, which Act established a supplemental pension and relief or retirement system for firemen and policemen who are members of any pension and relief system established under Act No. 929 of the Regular Session of the Legislature of Alabama of 1951 (Ala. Acts, 1951, p. 1579).

was taken up.

Mr. Vacca offered the following substitute for the Bill, H. B. 756, to-wit:

#### SUBSTITUTE FOR H. 756

#### A BILL TO BE ENTITLED AN ACT

To amend Act No. 556 of the Regular Session of the Legislature of Alabama of 1959, approved November 19, 1959 (Ala. Acts, 1959, p. 1376), as heretofore amended, which Act established a supplemental pension and relief or retirement system for firemen and policemen who are members of any pension and relief system established under Act No. 929 of the Regular Session of the Legislature of Alabama of 1951 (Ala. Acts, 1951, p. 1579).

Be It Enacted by the Legislature of Alabama:

Section 1. It is hereby provided that Section 2 of Act No. 556 of the Regular Session of the Legislature of Alabama of 1959 (Ala. Acts, 1959, p. 1376) is hereby amended so as to read as follows:

"Section 2. Purpose of this Act. (a) It is the intent of the Legislature that the additional benefits provided by this Act shall be payable solely from the fund established by Section 6 hereof, and that in no event shall any such additional benefit be payable from the fund established under Act No. 929 of the Regular Session of the Legislature of 1951 (Ala. Acts, 1951, p. 1579), which is herein called Act No. 929.

"(b) As used in this subsection (b) and subsection (c), below, these terms have the meanings here given them: "this system" means the pension system this Act establishes; "the fund" means the fund that Section 6 establishes, including all assets and resources in the fund or to be received by the fund in the future, and all income in the fund or to be received by the fund in the future; "obligations of the system" means all existing, future, or contingent obligations and liabilities of the system, including every pension, allowance or benefit which is payable, or which may become payable, out of the fund to any member of the system, or to any other person on account of such other person's relation to a member of the system, and also including the matching payments which this Act requires the city to make to the pension system established by Act No. 929; "the Section 6 payments" means the deductions from the members' salaries and the matching payments by the city which Section 6 of this Act now requires to be made monthly to the fund; "supplemental payment" means the supplemental payment subsection (c) of this Section 2 provides the governing body may require to be made monthly to the fund if the governing body determines that the fund and the anticipated Section 6 payments are not adequate to pay all obligations of the system.

"Within 60 days from the date whereon this subsection (b) of this Section 2 becomes applicable to the city, the Board of Managers, established by Section 4 of this Act, herein called "the Board", shall employ a competent actuary by a contract providing for the actuary to submit to the Board a written opinion on this question:

Will the fund, with the Section 6 payments being made thereto, be adequate to pay all obligations of the system?

"Such contract shall provide, in substance, that in the event the actuary's opinion answers the foregoing question in the negative, or indicates doubt as to whether such question should be answered affirmatively or negatively, then in such event the actuary will advise the Board the amount of the supplemental payment required to result in the fund sustained by the Section 6 payments and the supplemental payments being adequate to pay all obligations of the system. Upon receiving the actuary's opinion the Board shall promptly send copies of the opinion to the Mayor and the governing body of the city. If there is an organization or organizations comprised of policemen members or firefighter members, the Board will promptly furnish a copy of the actuary's opinion to every such organization. The actuary's opinion will be a public record, subject to inspection and copying by any member of the system or by any citizen.

"(c) After considering the said actuary's opinion and any other information the governing body of the city deems pertinent, the governing body shall determine whether the fund, with the Section 6 payments being made thereto, is adequate to pay all obligations of the system. If the governing body determines that the fund with the Section 6 payments being made thereto is inadequate to pay all obligations of the system, the governing body will determine the minimum monthly supplemental payment which would result in the fund, with the Section 6 payments and the supplemental payments being made thereto, becoming adequate to pay all obligations of the fund. Upon making such determination, the governing body shall adopt a resolution providing that beginning in the next calendar month subsequent to the adoption of such resolution the city shall pay monthly to the fund a supplemental payment in the amount which the governing body determines would

result in the fund becoming adequate to meet all obligations of the system. One-half of the supplemental payment the governing body determines would be sufficient to render the fund adequate, as aforesaid, shall consist of salary deductions and the other half thereof shall consist of city matching payments. The city will pay such salary deductions and the city's matching payments comprising the supplemental payment to the fund at the same time the city pays to the fund the Section 6 payments.

"The city governing body shall be authorized to decrease or discontinue the supplemental payments at any time the city governing body determines, after considering actuarial advice, that the supplemental payments can be reduced or discontinued without impairing the ability of the fund to pay all obligations of the system. The governing body may effect such reduction or discontinuance of the supplemental payments by adopting a resolution providing for such discontinuance or reduction."

Section 2. It is hereby provided that section 4 of Act No. 556 of the Regular Session of the Legislature of Alabama of 1959 (Ala. Acts, 1959, p. 1376) is hereby amended so as to read as follows:

Section 4. Board of Managers. There shall be a Board of Managers of three members for the administration, management and control of the Supplemental Pension System, including administration, management, control, acquisition and disbursement of the fund. The Board shall consist of the President of the governing body of the city, who shall be Chairman of the Board and two associate members, designated respectively as 'Member No. 1' and 'Member No. 2'. Member No. 1 shall be appointed by the Personnel Board. Member No. 1 shall be a person who at the time of his appointment is, and for a period of five consecutive years immediately preceding his appointment has been, an officer of, or the occupant of an executive position with, an insurance company issuing annuity policies and policies of disability insurance, the principal place of business of which insurance company is located within the city; provided, however, that if any such person is not available, the Personnel Board in appointing Member No. 1 shall select from the persons available that person who in the opinion of the Personnel Board is best qualified to discharge the duties of a member of the Board of Managers. Member No. 2 shall be elected from employees belonging to the Supplemental Pension System at an election to be held within sixty days from the date on which this Act becomes effective. The employee receiving a plurality of votes at the election shall be elected. At the first election to be held hereunder employees belonging to the System may vote for a fireman or policeman to hold the position to be occupied by Member No. 2 on the Board. In any election subsequent to the first election employees voting in such subsequent election shall not vote for any member of the System belonging to the same department (that is, fire department or police department, as the case may be) to which the person last elected Member No. 2 for a full term belonged at the time of his election. The purpose of the next preceding sentence is to rotate Member No. 2 between the fire department and the police department of the city. The governing body of the city shall have the authority to prescribe rules and regulations concerning the notice of and conduct of the election to select Member No. 2. Member No. 1 and Member No. 2 shall hold office for a period of four years, with the first term for both commencing on the date on which the first Member No. 1 and the first Member No. 2 have both been selected.

"If the commencement of the actual operation of the system hereby established is delayed, or deferred, as a consequence of the validity of this Act being called in to question in litigation the four year terms of Member No. 1

and Member No. 2 shall not be deemed to begin until the litigation is terminated.

"The Board shall meet on the second Thursday in each calendar month; provided, however, that the Board shall not be required to meet unless there is pending before the Board some application for a pension relief or benefit or unless there is pending some other matter requiring consideration by the Board; and provided, further, that the Board by and through a resolution adopted by it may change the regular meetings from Thursday to such other time as may be convenient to the Board. Any two members of the Board, after due notice having been given to all members of the Board, may meet in special meeting and transact any business of the Board provided the Secretary shall be present and record the proceeding of the special meeting as hereinafter provided. The Board shall meet in the office of the Chairman, or such other place as the Board may designate.

"The Personnel Director shall be secretary of the Board and shall be present at every meeting of the Board, and keep a record of all proceedings of the Board and of all orders and decisions of the Board. Neither the secretary nor any member of the Board shall receive any salary or compensation for his services as such except Member No. 1, who shall receive ten dollars for each meeting attended, but not more than twenty dollars for meetings attended in any calendar month. Two members of the Board, when assembled in either regular or special meeting, shall constitute a quorum for the transaction of any and all business of the Board, and the affirmative vote of two members shall be necessary and sufficient to pass any motion or resolution. The Board is empowered to make rules and regulations not inconsistent with the provisions of the system in relation to its affairs and the system. The Board shall receive, investigate and pass upon all applications for retirement and disability and widow allowances and shall make retirement and disability and widow allowances in accordance with the system to all persons entitled thereto under the system, and its decision upon all matters of fact shall be final and conclusive unless it shall be affirmatively made to appear that its decision is plainly and manifestly wrong. The Board is authorized to borrow money up to the par value of the securities of the fund and to pledge such securities for repayment of the money borrowed. The Board of Managers is authorized to secure, and to pay for with funds of the system, investment counsel and investment advice from individuals or firms experienced and specializing in furnishing such advice, and also the advice and services of accountants and auditors and legal advice and services and such other professional counsel, advice and services as the said Board deems necessary for the proper management and administration of the system. No money of the fund shall be invested, paid out or disbursed except pursuant to order or authorization of the Board. The Board shall be trustee, and have entire management and control of the fund, shall have sole and exclusive authority to invest its funds and shall direct investments of monies of the fund not needed to meet disbursements provided for in this Act in the loans to members hereinafter referred to and in bonds of the United States, the State of Alabama and any municipality of Alabama, and in bonds of corporations organized under Federal laws or under the laws of any State of the United States; provided, however, that no funds shall be invested in bonds, or common or preferred stocks and stocks of private corporations unless such bonds are listed upon exchange subject to the jurisdiction of the Securities and Exchange Commission, and the aggregate par value of the funds invested in such bonds or common or preferred stocks and stocks of corporations last referred to above shall not exceed fifty (50%) per cent of the par value of

all investments of the funds exclusively of loans to members. In addition to methods of removal hereinabove provided for, any member of the Board may be removed by impeachment for corruption or malfeasance or misfeasance in office or for habitual neglect of duty. From the funds of the System created by this Act the Board of Managers shall pay to the fund of the General Retirement and Relief System the amounts hereinafter specified. When any fireman or policeman retires on length of service, as is hereinafter provided for in Section 8, the Board of Managers of this System shall pay from the fund of this System the amount specified in the next succeeding sentence during each month between the date on which such fireman or policeman retired and the date on which he would have been entitled to receive a retirement allowance from the General Retirement and Relief System for thirty (30) years service had he not retired, but had continued to serve without interruption as a member of the General Retirement and Relief System until entitled to receive from said last named system a retirement pension based on thirty (30) years service. During the period specified in the next preceding sentence the Board of Managers created by this Act shall pay each month to the fund of the said General Retirement and Relief System the amount which the City would have deducted from the salary of such fireman or policeman and would have paid into the fund of the General Retirement and Relief System had such fireman or policeman continued to be employed by the City during the period specified in the next preceding sentence at the same salary from which the deductions were made by the city at the time he retired under Section 8 of this Act; provided, however, that if such fireman or policeman dies during the said period the same payments shall cease upon his death."

Section 3. It is hereby provided that Section 5 of Act No. 556 of the Regular Session of the Legislature of Alabama of 1959 (Ala. Acts, 1959, p. 1376) is hereby amended so as to read as follows:

"Section 5. (a) Membership. The following shall be members of the Supplemental Pension System hereby created: Members of the fire department or police department of the city who belong to the General Retirement and Relief System, created by Act No. 929 on whose account the city makes no contribution, or pays no tax, to the United States of America under the Federal Social Security Act.

"(b) As used in this Act these terms have the meanings here given them: "member" means a member of the pension system established by this Act; "benefit" means a benefit payable under this Act to a member or to any person because of such person's relation to a member; "dependent" means a person receiving a benefit on account of such person's relation to a member; "Act 556 creditable service" means a member's service with the city during the period while the salary deductions of Section 6 of this Act applied to him and also his service with the city during any period while the salary deductions did not apply to him, provided he exercises the option subsection (d) below, of this Section 5 accords him to have his service during said last mentioned period counted as Act 556 creditable service; "noncreditable service" means a member's service with the city during any period while the salary deductions of Section 6 of this Act did not apply to him, provided, however, that his service during such period shall not be considered noncreditable service after he has exercised the option said subsection (d) accords.

"(c) It is the intention of the Legislature that this subsection (c) shall not result in the reduction of any benefit payable to a member retiring prior to the date on which said subsection (c) becomes applicable to the city or in the

reduction of any benefit payable to the dependent of any such member, and shall be applicable only to those members who became members of the system after January 1, 1973. To achieve such intention it is hereby provided that this subsection (c) shall not apply to any benefit the payment of which begins prior to the date whereon this subsection (c) becomes applicable. All benefits the payment of which begins after the date whereon this subsection (c) becomes applicable shall be subject to this subsection (c).

"In determining the amount of any benefit subject to this subsection (c), with the aforementioned exceptions, the Board of Managers shall consider only Act 556 creditable service as defined in subsection (b) of this Section 5.

"(d) As used in this subsection (d) these terms have the meanings here given them: "this option" means the option for which this subsection (d) provides; "the effective date of (d)" means the date whereon this subsection (d) becomes applicable to the city; "present member" means a person who is a member on the effective date of (d); "future member" means one who becomes a member subsequent to the effective date of (d); "liability for deficiency of salary deductions" means a member's liability to the fund resulting from his converting his noncreditable service to Act 556 creditable service under this option.

"A member's liability for deficiency of salary deductions shall be the sum of the following:

(1) the amount which such member would have paid to the fund during all the period of his noncreditable service if during all of said period his salary had been that of a firefighter, in the case of a fireman, or that of a patrolman, in the case of a policeman, at the time such noncreditable service accrued, and if such salary had been subject to the salary deduction provided for herein; and (2) interest at the rate of six percent (6%) per annum on each separate salary deduction such member would have paid to the system had he been a member during all of his noncreditable service, which interest shall be calculated for the period beginning on the dates on which the respective salary deductions would have been paid, had he been subject to the said salary deduction provisions during all of his noncreditable service, and ending on the date whereon the member discharges his liability for salary deductions by payment or executes the promissory note, provided for below, evidencing such liability.

"A present member shall exercise this option by doing one of the following not later than the ninetieth day subsequent to the effective date of (d): (1) by paying the fund in full the amount of his liability for deficiency of salary deductions which amount shall be determined in the manner below prescribed in this subsection (d), or (2) by delivering to the Board of Managers a promissory note executed by him payable to the order of the fund evidencing his obligation to pay to the fund the amount required to discharge his liability for deficiency of salary deductions, which note shall provide for the interest and maturity date below prescribed. A future member shall exercise this option not later than the ninetieth day subsequent to the day on which he becomes a member of the system by discharging his liability for the deficiency payments or executing the promissory note evidencing his liability within said period.

"The governing body of the city shall prescribe the rate of interest which the said promissory note will require the member to pay on the unpaid balance of his liability for deficiency or salary deductions and shall prescribe the installments in which the note shall be payable, the last of which install-

ments shall be payable not more than five years subsequent to the date whereon the said note is executed.

"The city shall pay to the fund an amount equal to any amount contributed by a member under the provisions of this subsection."

Section 4. Section 6 of Act No. 556 of the Regular Session of the Legislature of Alabama of 1959 (Ala. Acts, 1959, p. 1376) as heretofore amended, is further amended so as to read as follows:

"Section 6. Retirement and Relief Fund. (a) For the purpose of the deductions from salary provided for in this Section 6 the salary of a fireman or policeman shall be deemed to be the same as his salary is for the purpose of payroll deductions provided for in Section 9 of Act No. 929, as heretofore or hereafter amended.

"(b) At the end of each payroll period subsequent to the effective date of this Act, the city shall deduct from the salary of each fireman or policeman for such payroll period an amount equal to two and 35/100 percent (2.35%) of his salary for each such payroll period; provided, however, that the city shall not make any such deduction from the salary of any fireman or policeman for any payroll period which commences subsequent to that date whereon the fireman or policeman has served in the fire department or police department for thirty (30) years.

"(c) The city shall promptly pay each and every deduction of salary provided for into a retirement and relief account hereinafter referred to as 'the fund'. At the same time the city pays into the fund any deduction from the salary of any employee member, the city shall match such deduction by paying into the fund from its general and other appropriate funds an amount equal to the full amount of such deduction. Provided that the city shall not be required to match any deduction from the salary of any fireman or policeman who has thirty (30) years of creditable service.

"At the same time the city pays to the fund the members' salary deductions and the city's matching payments, above prescribed, the city will pay to the fund any supplemental payments required by any resolution the governing body of the city adopts pursuant to subsection (c) of Section 2 of this Act.

"The city comptroller is specifically charged with the duty of making such deductions from salaries and of making such payments into the fund. This fund shall include all assets of the fund in any form, and the city comptroller shall be ex officio, the custodian of the fund. The custodian shall keep a separate account of the fund and of all assets and liabilities thereof and of all receipts and disbursements thereof and of all prior service time and paid membership time of employee members. The custodian shall keep all monies of the fund in a separate bank account. The custodian shall keep in force and effect a bond in a penal amount equal to the total amount of monies and securities in his custody or possession, but in no event in excess of ten percent (10%) of the total assets of the fund, payable to the board and conditioned for faithful performance of the duties and for faithful accounting to the board for all monies, securities and property coming into his custody or possession as such custodian. Such bond shall be executed by a surety company authorized to do business in the State of Alabama, and the premium on such bond, and all necessary expenses of the board, shall be paid out of the fund upon order of the board. All bonds and securities acquired for the fund and which are register-

able as to principal shall be registered by the custodian in the name of the system promptly upon acquisition and shall remain so registered until sold or otherwise disposed of by authority of the board. The board may select a banking institution located within the territorial jurisdiction of the city as subcustodian of securities, with authority to collect and remit to the custodian principal and interest of securities entrusted to its custody as the same may mature, and pay it such reasonable fees or compensation for its services as the board may deem proper, and the board may, if it sees fit, waive bond of such institution as subcustodian so long as the net worth of the subcustodian exceeds one and one-half times the total par value of the securities entrusted to its custody. Securities in the custody of such subcustodian shall not be counted as in the custody of the custodian for the purpose of computing the amount of the custodian's bond. The board is authorized to accept and receive gifts, donations or legacies for the fund, and to administer same against the fund, the records of the city comptroller and custodian made and kept for the purpose of this act shall be deemed *prima facie*, to speak the truth."

Section 5. It is hereby provided that subsection (a) of Section 8 of Act No. 556 of the Regular Session of the Legislature of Alabama of 1959 (Ala. Acts, 1959, p. 1356) is amended so as to read as follows:

"(a) Part 1 of subsection (a). The words, terms and phrases used in this Section 8 shall have the meaning ascribed to them by Act 929, unless it appears from the context that a different meaning is intended. As used in this Section 8 and the following Section 9 of this Act, these words and terms have the meanings hereby accorded them: 'deferred pension under the General Retirement and Relief System' means a pension granted to a fireman or policeman under Act 929, the payment of which does not commence until the pension granted to such fireman or policeman under this Act ceases; 'disabled child' means a fireman's or policeman's son or daughter regardless of age who becomes disabled prior to attaining age eighteen (18) with a medically determinable physical or mental impairment or impairments, by reason of which impairment, or impairments, the said son or daughter has been unable, and continues to be unable, to engage in any substantial gainful activity; 'eligible child' means a deceased fireman's or policeman's child who is under eighteen (18) years of age and has not married or who is a disabled child.

"Part 2 of subsection (a). This Part 2 shall apply to every policeman and fireman who is a member of the system on the date whereon this Part 2 becomes applicable to the city and shall not apply to any policeman entering the police department or to any fireman entering the fire department subsequent to the date whereon this Part 2 becomes applicable to the city.

"Any policeman or fireman granted a voluntary retirement allowance under Act 929 on at least twenty (20) and less than thirty (30) years Credited Service, the payment of which allowance shall commence when he would have had thirty (30) years Credited Service had he not retired, shall receive from the Fund of the System created by this Act a monthly retirement allowance each month between the date on which he retires from service and the date on which he would have accumulated thirty (30) years Credited Service had he not retired, which monthly retirement allowance shall be in an amount equal to fifty percent (50%) of his Final Average Salary at the time of his retirement, plus one-half of one percent ( $1/2$  of 1%) of his Final Average Salary multiplied by the number of years of his Credited Service in excess of twenty (20) years of his Credited Service. The payment of the retirement allowance provided for hereby shall cease on the date on which such fireman



or policeman would have accumulated thirty (30) years of Credited Service in the General Retirement Relief System, created by Act 929, had he continued to serve from the date of his retirement.

"Part 3 of subsection (1). This Part 3 shall apply to every policeman who enters the police department and to every fireman who enters the fire department after the date whereon this Part 3 becomes applicable and shall not apply to any policeman or fireman who is a member on the date this Part 3 becomes applicable.

"Any policeman or fireman granted a voluntary retirement allowance under Act 929 on at least twenty-five (25) years and less than thirty (30) years Credited Service, the payment of which allowance shall commence when he would have had thirty (30) years Credited Service had he not retired, shall receive from the Fund of the System created by this Act a monthly retirement allowance each month between the date on which he retires from service and the date on which he would have accumulated thirty (30) years Credited Service had he not retired, which monthly retirement allowance shall be in an amount equal to fifty percent (50%) of his Final Average Salary at the time of his retirement, plus one-half of one percent ( $\frac{1}{2}$  of 1%) of his Final Average Salary multiplied by the number of years of his Credited Service. The payment of the retirement allowance provided for hereby shall cease on the date on which such fireman or policeman would have accumulated thirty (30) years of Credited Service in the General Retirement Relief System, created by Act 929, had he continued to serve from the date of his retirement."

Section 6. After the effective date of this Act, no further law shall be passed amending Act No. 556 of the Regular Session of the Legislature of Alabama of 1959 (Ala. Acts, 1959, p. 1376) which has the effect of extending or enlarging any benefits hereunder, or requiring any additional payment to the Fund by any city to which the same is applicable, except with the provision that such amendment shall not be effective unless approved by a majority of the voters of such city at referendum.

Section 7. Severability. In the event that any clause, sentence, paragraph, section, or idea of this Act should be declared to be invalid, such declaration of invalidity shall not affect or render invalid any other part thereof.

Section 8. This Act shall become effective immediately upon its being signed by the Governor or upon its otherwise becoming law.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Vacca, Wilson.

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*Nays:*

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And said Bill, H. B. 1159, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Vacca, Wilson.

—25

*Nays:*

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The Bill:

H. 1157. To further amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama of 1951, pp. 1579 et seq.), as heretofore amended, which said Act, as heretofore amended, is entitled "An Act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system; to make the provisions of such system applicable on and after September 1, 1969, to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and to provide membership in the system for certain employees of a Civic Center Authority in any county in which any such city may be located."

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Vacca, Wilson.

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*Nays:*

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The Bill:

H. 1164. Relating to Elmore County; repealing Act No. 218 of the 1976 Regular Session (Acts 1976, Vol. I, p. 232) establishing a consolidated and unified system of assessment and collection of taxes by an elective county revenue commissioner, providing therefor and abolishing the offices of tax assessor and tax collector in Elmore County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Jones, King, Little, Mitchell, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 1159. Relating to the City of Gadsden; providing for the fixing and payment of salaries of members of the board of commissioners.

was taken up.

Mr. Waldrop offered the following amendment to the Bill, H. B. 1159, to-wit:

#### AMENDMENT TO H. B. 1159

In Section 1, page 1, line 29, between the words "annum." and "This", insert the following:

Provided further, however, that the said board of commissioners must first grant an additional 10% across the board salary increase to each municipal employee before it provides further for the salaries of the members of the board.

In the title, page 1, line 14, delete the period and insert the following:  
and each municipal employee.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Jones, King, Little, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Waldrop.

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*Nays:*

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And said Bill, H. B. 1159, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Jones, King, Little, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Waldrop.

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*Nays:*

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The Bill:

H. 1156. Relating to St. Clair County, to authorize and direct the county governing body to distribute certain beer tax revenues collected pursuant to Act No. 515, H. 1028, 1969 Regular Session (Acts 1969, p. 985) to certain agencies and institutions within the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 1114. To provide further for the regulation of the sale of alcoholic beverages in Houston County, Alabama; to authorize the City of Dothan in said county to further license, regulate and control the sale of certain alcoholic beverages within the corporate limits and the police jurisdiction thereof with a city license parallel to the state license for such privilege.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Foshee, Goodwin, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 1102. Relating to Baldwin County; to provide for the compensation and allowances of the directors of certain utility boards heretofore or hereafter established in the county; and to make the provisions of this Act retroactive to January 1, 1978.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 1100. Relating to Talladega County; to provide for the salary of the sheriff.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Proctor, St. John, Stewart, Teague, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 1063. To amend Sections 3, 12, 14 and 15, and add Section 28, of Act No. 243 H. 278, first Special Session 1964, as amended, which establishes the pension and relief system for policemen and firemen of the City of Mobile, by changing the amounts of contributions of the members and of the City, and by providing that the City may fix, in its discretion, such part of the assessment of costs of court in connection with prosecutions for violations of municipal ordinances to be credited to said pension and relief fund; to amend further said Act No. 243; to provide for an adjustment in retirement benefits to persons retiring after the effective date of this Act; and to provide for an adjustment in benefits to persons temporarily totally disabled.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, McDonald (S), McMillan, Mims, Noonan, Owen, Perloff, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 730. Relating to the eighteenth judicial circuit of Alabama; to amend Section 1 of Act No. 119, H. 52, 1975 Regular Session (Acts of 1975, p. 347), entitled "To provide an expense allowance to the official court reporter, for Circuit Judge Place No. 1 of the eighteenth judicial circuit of Alabama payable by the counties composing said circuit," so as to provide an expense allowance to the official court reporter for Circuit Place No. 2 of the eighteenth judicial circuit of Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Jones,

King, Little, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Proctor, St. John, Stewart, Vacca, Waldrop, Wilson.

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*Nays:*

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#### CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Stewart, consideration of the Bill, H. B. 712, was indefinitely postponed by the Senate.

#### BILLS ON THIRD READING RESUMED

The Bill:

H. 561. To create the office of a clerk-receptionist in the office of the District Attorney of the Sixth Judicial Circuit and provide for the appointment, duties, and compensation of such clerk-receptionist.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Gilmore, Higginbotham, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, Shelby, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 562. To create the office of Deputy District Attorney No. 7 of the Sixth Judicial Circuit and provide for the appointment, duties and compensation of such office.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Gilmore, Higginbotham, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, Shelby, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 1075. Relating to Greene County; providing for an expense allowance for the chairman and for associate members of the county governing body, and providing retroactive effect for the allowances for the associate members.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Foshee, Goodwin, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

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*Nays:*

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The Bill:

H. 1136. To amend the title and Section 1 of Act No. 187, H. 595 of the 1963 Regular Session so as to provide further for the expense allowance of members of the county governing body in all counties having populations of not less than 18,500 nor more than 20,500 according to the 1970 or any subsequent federal decennial census; giving this act retroactive effect.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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#### MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 988. An act relating to the municipality of TOWN OF MOORE'S CROSSROADS to alter, re-arrange and extend its boundaries.

And requests a Committee on Conference, and the Speaker of the House has named as a Committee on Conference on the part of the House Messrs. Mitchem, Holmes (A), and Harrison.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. McDonald (S), the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. 988, the title of which is set out in the foregoing Message from the House.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King,

Little, McDonald (S), Mims, Mitchell, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

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*Nays:*

—0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. McDonald (S), Baker, and Perry.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 1013. Relating to Tallapoosa County; to amend Section 1 of Act No. 487, S. 628, Regular Session 1969 (Acts of 1969, p. 948), entitled "Relating to Tallapoosa County; to regulate further the compensation and expense allowances of members of the county governing body", so as to increase the salary of the members of the county commission.

And requests a Committee on Conference, and the Speaker of the House has named as a Committee on Conference on the part of the House Messrs. Morris, Turnham and Armstrong.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Little, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. 1013, the title of which is set out in the foregoing Message from the House.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, Mims, Owen, Peden, Perry, Powell, Proctor, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

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And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. Baker, Little, and Edwards.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.



S. 684. To provide for the filling of vacancies in any elected Judicial Article offices in Etowah County and to repeal all conflicting statutes.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Waldrop, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 684, the title of which is set out in the foregoing Message from the House, to-wit:

### SUBSTITUTE FOR S. 684

#### A BILL TO BE ENTITLED AN ACT

To provide for the filling of vacancies in any elected Judicial Article offices in Etowah County and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever any vacancy or vacancies shall occur in any of the elected Judicial Article offices in Etowah County and such vacant term or terms has one or more years remaining, the governor may at his option fill the vacancy by appointment or request that the county commission or other like governing body of said county shall forthwith call a special election to fill such vacancy or vacancies, such election to be held not less than 30 nor more than 60 days after the occurrence of such vacancy or vacancies. The conduct of such elections shall be governed by the general election laws of Alabama except as otherwise provided by the county commission or other like governing body of said county.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, McDonald (S), Mims, Owen, Peden, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Waldrop.

—25

*Nays:*

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 683. To provide for the filling of vacancies in any elected county offices in Etowah County and to repeal all conflicting statutes.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Waldrop, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 683, the title of which is set out in the foregoing Message from the House, to-wit:

### SUBSTITUTE FOR S. 683

#### A BILL TO BE ENTITLED AN ACT

To provide for the filling of vacancies in any elected county offices in Etowah County and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever any vacancy or vacancies shall occur in any of the elected county offices in Etowah County the Governor may at his option fill the vacancy by appointment or request that the county commission or other like governing body of said county shall forthwith call a special election to fill such vacancy or vacancies, such election to be held not less than 30 nor more than 60 days after the occurrence of such vacancy or vacancies. The conduct of such elections shall be governed by the general election laws of Alabama except as otherwise provided by the county commission or other like governing body of said county.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, McDonald (S), Mims, Mitchell, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Waldrop.

—25

*Nays:*

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 556. To provide for a silent meditation period in the public schools.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 740. To amend Sections 3, 12, 14 and 15, and add Section 28, of Act No. 243 H. 278, first Special Session 1964, as amended, which establishes the pension and relief system for policemen and firemen of the City of Mobile, by changing the amounts of contributions of the members and of the City, and by providing that the City may fix, in its discretion, such part of the assessment of costs of court in connection with prosecutions for violations of municipal ordinances to be credited to said pension and relief fund; to amend further said Act No. 243; to provide for an adjustment in retirement benefits to persons retiring after the effective date of this Act; and to provide for an adjustment in benefits to persons temporarily totally disabled.

Also:

S. 696. To repeal Act No. 653, H. 589, 1975 Regular Session (Acts of 1975, p. 1410), entitled "An Act To require the members of the board of registrars in all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent or any subsequent decennial census to be available at the city hall of each incorporated municipality for the purpose of voter registration and voter reidentification, once each 6 months, and to be available at certain unincorporated areas in the county once each 6 months at the request of the House of Representatives member who represents such area with the concurrence of the Senate member who represents such area."

Also:

S. 697. Relating to Mobile County; to require the members of the board of registrars in Mobile County to be available at the city hall of each incorporated municipality for the purpose of voter registration and voter reidentification, once each 6 months, and to be available at certain unincorporated areas in the county once each 6 months at the request of the House of Representatives member who represents such area with the concurrence of the Senate member who represents such area, and to provide transportation and additional expense allowances for the members of the board of registrars.

Also:

S. 695. Relating to Mobile County; to provide an expense allowance for the county treasurer, payable from county funds.

Also:

S. 789. Relating to Montgomery County; to provide additional compensation for the members of the Board of Registrars.

Also:

S. 791. Relating to Montgomery County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses; giving this act retroactive effect.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 773. To create an Industrial Development Authority for Escambia County for the purpose of promoting industry and trade and the development of said county; to provide for the organization, powers, functions, duties and personnel of such Authority and to provide for the payment of the expenses of such Authority and for the compensation of its employees.

Also:

S. 767. Relating to Escambia County; providing for the payment or reimbursement by said county to the members, including the chairman of the county commission, of their actual expenses incurred in the performance of their duties outside the county, including expenses incurred by them in attending conventions of the National Association of County Commissioners and the Alabama Association of County Commissioners.

Also:

S. 768. Relating to Escambia County; to provide for the compensation of the sheriff and all deputies sheriff other than the chief deputy sheriff in such county.

Also:

S. 769. Relating to Escambia County; to provide for the compensation of the sheriff of said county.

Also:

S. 770. Relating to Escambia County; to allow students of cosmetology or barbering in such county who have completed 250 hours of study in a registered school of cosmetology or barbering to work in a duly registered beauty shop or barber shop during non-school hours.

Also:

S. 772. Relating to Escambia County; to amend further Act No. 411, H. 742, 1963 Regular Session (Acts 1963, p. 912), as amended, which act creates a county governing body for Escambia County, so as to authorize the governing body to establish a personnel board for the county and to prescribe the powers, duties and compensation of any such board; and to repeal Act 497, H. 1149 of the 1977 Legislature of Alabama (1977 Acts, p. 648) entitled, "An Act To provide for the establishment of a merit system for certain counties and municipal law enforcement officers in Escambia County, Alabama, and a merit system board governing the removal and official conduct of such officers; defining violations of the act; imposing penalties for violations; and repealing conflicting laws."

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 771. Relating to Escambia County; to provide that the county commission of Escambia County may allocate and distribute among the several presently incorporated municipalities of Escambia County on a pro rata basis 33 1/3 percent of any oil and gas privilege tax monies which may be received by Escambia County under the authority of any general or local law enacted by the legislature of Alabama after January 1, 1978.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Mims, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 771, the title of which is set out in the foregoing Message from the House, to-wit:

#### AMENDMENT TO S. B. 771

In the title, page 1, line 17 and in section 1, page 1, line 26, delete the word "may" and substitute therefor the word:

shall

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Jones, King, Little, Mims, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 761. To further amend Section 1 of Act No. 103, H. 372, Regular Session, 1963 (Acts of Alabama 1963, p. 486) so as to further provide for the salary of the superintendent of education of Walker County.

Also:

S. 780. To authorize municipalities of Walker County to elect to participate in the county civil service system and to provide for certain fees for employees of municipalities which so elect to be covered by the county merit system.

Also:

S. 781. Relating to Walker County, to create a license-issuing division within the probate judge's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to abolish the office of county license inspector

as of January 1, 1979; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and costs pursuant to such system of renewal of motor vehicle licenses by mail; to create a special fund in the county treasury to receive such additional fees and costs of renewal by mail; and to authorize the establishment of auxiliary stations within the county for the sale of motor vehicle licenses and tags or decals.

Also:

S. 782. To provide that no state penitentiary or other state correctional or penal institution shall be located within the boundaries of Walker County unless approved by a majority of the qualified electorate of the county.

Also:

S. 775. To increase the salaries of certain officials of Cullman County and to provide for the manner of their payment.

Also:

S. 776. Relating to Cullman County; to provide for the distribution and expenditure of any payments coming into the treasury of Cullman County that are derived, directly or indirectly, from payments by the Tennessee Valley Authority in lieu of the payment of ad valorem taxes.

Also:

S. 777. Relating to Cullman County, to regulate further the compensation of the tax assessor and tax collector and to repeal conflicting laws.

Also:

S. 778. Relating to Cullman County; to regulate employment practices with regard to road employees; to establish a county road personnel board and provide for its powers, jurisdiction, duties, compensation and allowances, membership, office space, supplies, equipment and clerical assistance; to provide for examination of job applicants; to establish procedures for employment and for suspension, discharge and other disciplinary actions and to provide for appeals from such actions and from decisions of the board; to prescribe duties and powers of the county governing body and the sheriff with regard to the board; to provide penalties for certain violations; to prohibit certain activities on the part of employees; to make the effectiveness hereof contingent upon the enactment of Senate Bill 346 of the 1978 Regular Session and its approval by the electors of the county at the referendum election provided for therein.

Also:

S. 779. Relating to Cullman County; to authorize the county governing body to expend county funds without regard to the competitive bid law, to purchase supplies and equipment for volunteer fire departments and fire units.

Also:

S. 788. Relating to St. Clair County; to require the county governing body of said county to provide for a civil service merit system for employees of the sheriff's office in said county.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 735. Relating to Walker County; to provide further for the compensation of district judges.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Wilson, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 735, the title of which is set out in the foregoing Message from the House, to-wit:

## AMENDMENT TO S. 735

Amend S. 735, page 1, line 19, by striking out the figure "\$4,800" and inserting in lieu thereof the following figure: \$2,400

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1. To amend Section 29-8-1 of the Code of Alabama 1975, so as to include the dean of Miles College Law School as a member of the council of the Alabama Law Institute.

Also:

H. 234. To name that portion of U. S. Highway 280 from the north boundary of Talladega, Alabama to the south boundary of Coosa County, "The Jim Nabors Highway."

Also:

H. 13. To amend Sections 34-27-3, 34-27-4, 34-27-7, 34-27-9, and 34-27-33 through 34-27-38 of the Code of Alabama 1975 which regulate real estate brokers, salesmen and real estate transactions, so as to provide further therefor.

Also:

H. 11. To provide that any person who produces, displays, disseminates, or possesses with intent to disseminate obscene matter displaying or depicting children under the age of seventeen years engaged in lewd sexual activity or any parent or guardian who knowingly permits their child to be depicted therein shall be guilty of a felony and punished as provided herein, to provide a method of proof that such child is under the age of seventeen, to provide that possession of six or more copies of the same obscene material is prima facie evidence of intent to disseminate the same and to provide for the forfeiture and condemnation of certain property used in or related to the defined crimes, and to provide definitions for its provisions.

Also:

H. 978. Relating to Talladega County; to provide for the payment of a 30% supplementary salary to the district judges in Talladega County.

Also:

H. 990. To create the office of assistant judge of probate of Jefferson County; to prescribe the qualifications, duties and benefits for such office; and to repeal conflicting laws.

Also:

H. 1050. Relating to Morgan County; providing for salary supplements for certain officers, payable from the county treasury.

Also:

H. 705. To propose an amendment to the Constitution of Alabama which, if approved by the electors of this state, would authorize the Legislature, by general or local law, to provide for the establishment of fire districts within Madison County to provide fire fighting and prevention services and to authorize the levy and collection of certain rates, fees, charges or taxes for the support of such districts.

Also:

H. 308. To provide for the qualifications and selection of jurors; to provide for a master list, master jury box and trial court box; to provide for qualification forms and the questionnaires to be used thereon; and to repeal Sections 12-16-2, 12-16-4, 12-16-37, 12-16-39, 12-16-41, 12-16-42, and 12-16-43 of the Code of Alabama 1975.

Also:

H. 375. To provide for the sale of domestically raised rabbits, the slaughtering, dressing, processing, inspection, packaging and labeling for the sale of rabbit meat for human consumption; to authorize inspection services for the killing, butchering, processing, packaging and labeling of domesticated rabbits, rabbit meat and rabbit meat food products on a voluntary basis; to authorize the Commissioner of Agriculture and Industries to enter into agreements for inspection of domestically raised rabbits for the sale of rabbit meat and rabbit meat food products for human consumption; to authorize the levying of an inspection fee or charge to defray the cost and expenses of inspection for wholesomeness of rabbit meat and rabbit meat food



products; to provide for the adoption of rules and regulations to effectuate the intent and purpose of this Act; and to authorize the expenditure of funds that may hereafter be available to carry out the provisions of this Act.

Also:

H. 1051. Relating to Morgan County; to further provide for the salaries of employees of the sheriff's department and to provide for additional employees.

Also:

H. 651. To make it unlawful to build, maintain or use an unsanitary sewage collection treatment and disposal facility within Jefferson County, but excluding certain plumbing within municipalities and the unincorporated areas of the County; to authorize the Jefferson County Board of Health to adopt rules and regulations for the administration of this Act; to authorize the Jefferson County Board of Health to require the installation of required type and number of facilities; to require the submission of plans and specifications applying to sewage collection, treatment and disposal to the Jefferson County Board of Health; to provide for the approval of plans and specifications and issuance of permits for construction; to require certificates of competency, issued by the Jefferson County Board of Health, before any person, firm or corporation shall install, repair, clean or maintain any on-site wastewater disposal system; to provide the basis for issuing and revoking such certificates of competency; to require a surety bond to assure compliance with the provisions of this Act and the rules and regulations promulgated hereunder; to repeal all laws in conflict with this Act; and to provide penalties for violation of this Act, and certain rules and regulations.

Also:

H. 1028. To alter or rearrange the boundary lines of the Town of Southside, Etowah County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Etowah County, Alabama.

Also:

H. 633. TO FIX THE COMPENSATION OR SALARY OF THE ASSISTANT OR THE DEPUTY TAX ASSESSOR OF ANY BRANCH OF THE TAX ASSESSOR IN ANY COUNTY HAVING A POPULATION OF 600,000 OR MORE ACCORDING TO THE LAST FEDERAL CENSUS OR ANY SUBSEQUENT FEDERAL CENSUS, AND TO PROVIDE FOR THE PAYMENT THEREOF.

Also:

H. 631. TO FIX THE COMPENSATION OR SALARY OF THE ASSISTANT OR THE DEPUTY TAX COLLECTOR OF ANY BRANCH OF THE TAX COLLECTOR IN ANY COUNTY HAVING A POPULATION OF 600,000 OR MORE ACCORDING TO THE LAST FEDERAL CENSUS OR ANY SUBSEQUENT FEDERAL CENSUS, AND TO PROVIDE FOR THE PAYMENT THEREOF.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

## FURTHER CONSIDERATION OF S. R. 455

The Senate proceeded to further consideration of the Resolution, S. R. 445.

The question was on the substitute offered by Mr. Goodwin.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 71. To name the auditorium scheduled for construction at Southern Union State Junior College in Wadley, Randolph County, Alabama, "The Tom Brazeal Auditorium."

Also:

S. 282. To name the science-fine arts building at Southern Union State Junior College in Honor of A. R. Van Cleave.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the State Forestry Commission.

Respectfully submitted,  
HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 24th day of April, 1978.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Kelly Sistrunk, Opelika, Alabama, as a member of the State Forestry Commission for the term expiring November 5, 1981.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

Done this 24th day of April, 1978.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Forestry Commission, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of the Alabama A. & M. University.

Respectfully submitted,

HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 24th day of April, 1978.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, Dr. Wyman Ramsey Fagan Grant, Sr., Mobile, Alabama, as a member on the Board of Trustees of the Alabama A. & M. University for the term expiring January 31, 1984.

Respectfully,

GEORGE C. WALLACE,  
Governor.

Done this 24th day of April, 1978.

#### GOVERNOR'S MESSAGE

On motion of Mr. Clemon, the Rules were suspended and the appointment of Dr. Wyman Ramsey Fagan Grant, Sr., to the Board of Trustees of Alabama A. & M. University was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—30

*Nays:*

—0

## MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of the Alabama A. & M. University.

Respectfully submitted,

HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 24th day of April, 1978.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, Robert Hughes, Florence, Alabama, as a member on the Board of Trustees of the A. & M. University for the term expiring January 31, 1984.

Respectfully,

GEORGE C. WALLACE,  
Governor.

Done this 24th day of April, 1978.

## GOVERNOR'S MESSAGE

On motion of Mr. Clemon, the Rules were suspended and the appointment of Mr. Robert Hughes to the Board of Trustees of the Alabama A. & M. University was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—30

*Nays:*

—0

## MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an

appointment on the Board of Trustees of the Alabama A. & M. University.

Respectfully submitted,  
HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 24th day of April, 1978.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, John Cantalow, Jr., Birmingham, Alabama, as a member on the Board of Trustees of the A. & M. University for the term expiring January 31, 1984.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

Done this 24th day of April, 1978.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of Alabama A. & M. University, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the State Forestry Commission.

Respectfully submitted,  
HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 24th day of April, 1978.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Scott Langley, Camp Hill, Alabama, as a member of the State Forestry Commission for the term expiring November 5, 1981.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

Done this 24th day of April, 1978.

#### GOVERNOR'S MESSAGE

On motion of Mr. Clemon, the Rules were suspended and the appointment of Mr. Scott Langley to the State Forestry Commission was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—30

*Nays:*

—0

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Commission on Higher Education Board.

Respectfully submitted,  
HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 24th day of April, 1978.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Honorable Steve Means, Gadsden, Alabama, as a member of the Commission on Higher Education Board for the term expiring August 31, 1981.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

Done this 24th day of April, 1978.

#### GOVERNOR'S MESSAGE

On motion of Mr. Clemon, the Rules were suspended and the appoint-

ment of Mr. Steve Means to the Commission on Higher Education was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—30

*Nays:*

—0

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the State Banking Board.

Respectfully submitted,

HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 24th day of April, 1978.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Lawrence Harris, Slocomb, Alabama, as a member of the State Banking Board for the term expiring February 1, 1981.

Respectfully,

GEORGE C. WALLACE,  
Governor.

Done this 24th day of April, 1978.

### GOVERNOR'S MESSAGE

On motion of Mr. Clemon, the Rules were suspended and the appointment of Mr. Lawrence Harris to the State Banking Board was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin,

Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—30

*Nays:*

—0

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of Alabama Institute for Deaf and Blind.

Respectfully submitted,  
HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 24th day of April, 1978.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Dr. Ellis F. Porch, Arab, Alabama, as a member on the Board of Trustees of Alabama Institute for Deaf and Blind for the term expiring November 28, 1982.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

Done this 24th day of April, 1978.

### GOVERNOR'S MESSAGE

On motion of Mr. Clemon, the Rules were suspended and the appointment of Dr. Ellis F. Porch to the Board of Trustees of the Alabama Institute for Deaf and Blind was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—30

*Nays:*

—0



## MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of Alabama Institute for Deaf and Blind.

Respectfully submitted,  
HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 24th day of April, 1978.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Bob Cunningham, Birmingham, Alabama, as a member on the Board of Trustees of Alabama Institute for Deaf and Blind for the term expiring November 28, 1978.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

Done this 24th day of April, 1978.

## GOVERNOR'S MESSAGE

On motion of Mr. Clemon, the Rules were suspended and the appointment of Mr. Bob Cunningham to the Board of Trustees of the Alabama Institute for Deaf and Blind was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—30

*Nays:*

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## MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an

appointment on the Board of Trustees of Livingston State University.

Respectfully submitted,  
HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 24th day of April, 1978.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Honorable Tommy Hill, Roanoke, Alabama, as a member of the Board of Trustees of Livingston State University for the term expiring December 27, 1983.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

Done this 24th day of April, 1978.

#### GOVERNOR'S MESSAGE

On motion of Mr. Clemon, the Rules were suspended and the appointment of Mr. Tommy Hill to the Board of Trustees of Livingston State University was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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#### FURTHER CONSIDERATION OF S. R. 455

The Senate proceeded to further consideration of the Resolution, S. R. 455.

The question was on the substitute offered by Mr. Goodwin.

#### REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointments and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Eugene C. Brock, Mr. Edward L. Pryce, and Mr.

Robert S. Bateman to the Alabama Board of Examiners of Landscape Architects.

On motion of Mr. Owen, the appointment of Mr. Brock, to the Board of Examiners of Landscape Architects was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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On motion of Mr. Owen, the appointment of Mr. Pryce to the Board of Examiners of Landscape Architects was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—30

*Nays:*

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On motion of Mr. Owen, the appointment of Mr. Bateman to the Board of Examiners of Landscape Architects was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Lewis Manderson to the Alabama Surface Mining Reclamation Commission.

On motion of Mr. Owen, the appointment of Mr. Manderson to the Alabama Surface Mining Reclamation Commission was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Allan W. Summers to the Alabama Surface Mining Reclamation Commission.

On motion of Mr. Owen, the appointment of Mr. Summers to the Alabama Surface Mining Reclamation Commission was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Sam I. Diamond, Jr., to the Alabama Securities Commission.

On motion of Mr. Owen, the appointment of Mr. Diamond to the Alabama Securities Commission was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

—0

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Jim Oakley, Jr., to the Alabama Commission on Higher Education.

On motion of Mr. Owen, the appointment of Mr. Oakley to the Alabama Commission on Higher Education was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Howard Holt to the Board of Trustees of Livingston State University.

On motion of Mr. Owen, the appointment of Mr. Holt to the Board of Trustees of Livingston State University was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. W. Hardy McCollum to the Board of Trustees of the Alabama Institute for Deaf and Blind.

On motion of Mr. Owen, the appointment of Mr. McCollum to the Board of Trustees of the Alabama Institute for Deaf and Blind was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—30

*Nays:*

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Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Roger Smith to the Board of Trustees of the Alabama Institute for Deaf and Blind.

On motion of Mr. Owen, the appointment of Mr. Smith to the Board of Trustees of the Alabama Institute for Deaf and Blind was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mrs. William S. Newell to the Board of Trustees of the Alabama Institute for Deaf and Blind.

On motion of Mr. Owen, the appointment of Mrs. Newell to the Board of Trustees of the Alabama Institute for Deaf and Blind was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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Mr. Clemon, Chairman of the Standing Committee on Rules, reported

that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Calvin Wooten to the Board of Trustees of the Alabama Institute for Deaf and Blind.

On motion of Mr. Owen, the appointment of Mr. Wooten to the Board of Trustees of the Alabama Institute for Deaf and Blind was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Shelton E. Allred to the Board of Trustees of Livingston State University.

On motion of Mr. Owen, the appointment of Mr. Allred to the Board of Trustees of Livingston State University was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Counce B. Hightower, III, to the Board of Trustees of Livingston State University.

On motion of Mr. Owen, the appointment of Mr. Hightower to the Board of Trustees of Livingston State University was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Hugh Edmonds to the Board of Trustees of Livingston State University.

On motion of Mr. Owen, the appointment of Mr. Edmonds to the Board of Trustees of Livingston State University was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of the Reverend Billy Frank Hall to the Board of Trustees of Livingston State University.

On motion of Mr. Owen, the appointment of Reverend Hall to the Board of Trustees of Livingston State University was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:



Appointment of Mr. Lee Callaway to the Advisory Board of Conservation.

On motion of Mr. Owen, the appointment of Mr. Callaway to the Advisory Board of Conservation was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Messrs. John C. Goodson, E. Herrin Drake, Jesse Todd, Leon V. Keel and Earl Goodwin to the Farmer's Market Authority.

On motion of Mr. Owen, the appointment of Mr. Goodson to the Farmer's Market Authority was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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On motion of Mr. Owen, the appointment of Mr. Drake to the Farmer's Market Authority was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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On motion of Mr. Owen, the appointment of Mr. Todd to the Farmer's Market Authority was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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On motion of Mr. Owen, the appointment of Mr. Keel to the Farmer's Market Authority was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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On motion of Mr. Owen, the appointment of Mr. Goodwin to the Farmer's Market Authority was confirmed by the Senate.

Yeas 29; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. John A. Tupkelewica as a member of the Polygraph Examiners Board.

On motion of Mr. Owen, the appointment of Mr. Tupkelewica as a member of the Polygraph Examiners Board was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Thomas F. Parker as a member of the Polygraph Examiners Board.

On Motion of Mr. Owen, the appointment of Mr. Parker as a member of the Polygraph Examiners Board was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Dr. Rowland Dale Hawkins as a member of the Polygraph Examiners Board.

On motion of Mr. Owen, the appointment of Dr. Hawkins as a member of the Polygraph Examiners Board was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Cecil L. Johnston as a member of the Polygraph Examiners Board.

On motion of Mr. Owen, the appointment of Mr. Johnston as a member of the Polygraph Examiners Board was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mrs. Mary McCullough, Miss Doris Bender, Mrs. Jean Brandli and Mrs. Eileen Mann as members of the State Board of Pensions and Security.

On motion of Mr. Owen, the appointment of Mrs. McCullough as a member of the State Board of Pensions and Security was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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On motion of Mr. Owen, the appointment of Miss Bender as a member of the State Board of Pensions and Security was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

—0

On motion of Mr. Owen, the appointment of Mrs. Brandli as a member of the State Board of Pensions and Security was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin,

Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

—0

On motion of Mr. Owen, the appointment of Mrs. Mann as a member of the State Board of Pensions and Security was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

—0

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mrs. Joan B. Huffstutler as a member of the State Board of Pensions and Security.

On motion of Mr. Owen, the appointment of Mrs. Huffstutler as a member of the State Board of Pensions and Security was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

—0

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mrs. Chris Drake as a member of the State Board of Education.

On motion of Mr. Owen, the appointment of Mrs. Drake as a member of the State Board of Education was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

—0

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Messrs. Sam Dyson and C. O. Cargile as members of the Water Improvement Commission.

On motion of Mr. Owen, the appointment of Mr. Dyson as a member of the Water Improvement Commission was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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On motion of Mr. Owen, the appointment of Mr. Cargile as a member of the Water Improvement Commission was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Ms. Camille Wright Cook, Mr. Richard Markle and Mr. Larry Weems as members of the Air Pollution Control Commission.

On motion of Mr. Owen, the appointment of Ms. Cook as a member of the Air Pollution Control Commission was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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On motion of Mr. Owen, the appointment of Mr. Markle as a member of the Air Pollution Control Commission was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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On motion of Mr. Owen, the appointment of Mr. Weems as a member of the Air Pollution Control Commission was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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*Nays:*

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Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Kelly Sistrunk as a member of the State Forestry Commission.

On motion of Mr. Owen, the appointment of Mr. Sistrunk as a member of the State Forestry Commission was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims,

Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—30

*Nays:*

—0

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. H. Robert Jones as a member of the Board of Appeals for the Department of Industrial Relations.

On motion of Mr. Owen, the appointment of Mr. Jones as a member of the Board of Appeals for the Department of Industrial Relations was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—30

*Nays:*

—0

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mrs. Clara Stone Collins as a member on the Board of Trustees of the Alabama Institute for Deaf and Blind.

On motion of Mr. Owen, the appointment of Mrs. Collins as a member on the Board of Trustees of the Alabama Institute for Deaf and Blind was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—30

*Nays:*

—0

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Euclid Rains as a member of the Board of Trustees of the Alabama Institute for Deaf and Blind.



On motion of Mr. Owen, the appointment of Mr. Rains as a member on the Board of Trustees of Alabama Institute for Deaf and Blind was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—30

*Nays:*

—0

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. William Smith as a member on the Board of Trustees of the Alabama Institute for Deaf and Blind.

On motion of Mr. Owen, the appointment of Mr. Smith as a member on the Board of Trustees of the Alabama Institute for Deaf and Blind was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—30

*Nays:*

—0

#### BILLS ON THIRD READING RESUMED

The Bill:

H. 171. To provide salary increases for certain State Employees and to appropriate funds therefor.

Was read a third time at length and passed.

Yeas 33; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Higginbotham, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—33

*Nays:*

—0

## FURTHER CONSIDERATION OF S. R. 455

The Senate proceeded to further consideration of the Resolution, S. R. 455.

The question was on the substitute offered by Mr. Goodwin.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 608. To remove all restrictions relating to Public Employees of any County or City in the State of Alabama, pertaining to his right to participate in certain political activities and allow public employees the right of free expression in public welfare.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Clemon, the Senate non-concurred in the following House amendment to the Bill, S. B. 608, the title of which is set out in the foregoing Message from the House, to-wit:

## AMENDMENT TO S. B. 608

Amend S. B. 608 by adding after the word "Alabama" on line 15 page 1 and after the word "City" on line 19 page 1; also after the word "County" on line 24 page 1; also after the word "County" on line 24 page 1; also after the word "County" on line 29 page 1; also after the word "County" on line 32 page 1 add the following: and employees of the State of Alabama.

and requested a Committee on Conference.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Jones, King, Little, McMillan, Mitchell, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—24

*Nays:*

—0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Clemon, Baker, and Jones.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 11. To amend Section 3A, Subsection 13(a) of Act No. 637, H. 482 of the 1977 Regular Session, which act makes appropriations from the State treasury in the Alabama Special Education Trust Fund account for educational purposes for the fiscal year ending September 30, 1978, so as to remove certain limitations imposed on the expenditure of monies appropriated for the operation of the Public Library Service facility.

Also:

S. 202. To amend Section 2, Subsection 19(g)(4) of Act No. 636, H. 481 of the 1977 Regular Session, which act makes appropriations from the general fund of the state treasury for the ordinary expenses of the executive, legislative and judicial functions of government for the fiscal year ending September 30, 1978, so as to allow the Department of Conservation to expend from its allotted appropriation in the Marine Resources Fund monies for certain capital outlay purposes.

Also:

S. 37. To name the I-65 crossing of the Mobile River which is now under construction and scheduled for completion in September, 1980, "The General W. K. Wilson, Jr., Bridge."

Also:

S. 674. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State of Alabama adopted during the 1976 and 1977 sessions of the Legislature and Act No. 144, S. 58, 1975 3rd Special Session, effective December 1, 1976, with the exception of the Alabama Criminal Code (Act No. 607, S. 33, 1977 Regular Session), as contained in the 1977 Cumulative Supplement to the Code of Alabama 1975 and to make certain corrections in such Cumulative Supplement.

Also:

S. 207. To exempt the state headquarters only of the American Legion, the American Veterans of World War II, Korea and Viet Nam (a/k/a "AM-VETS"), the Disabled American Veterans, and the Veterans of Foreign Wars (a/k/a VFW), Alabama Goodwill Industries and Alabama Sight Conservation Association from the payment of all state, county and municipal sales and use taxes.

Also:

S. 335. To amend Section 40-9-1, Code of Alabama 1975, so as to exempt from ad valorem taxation all property owned by Loyal Order of Moose or lodge thereof, provided such property is used and occupied exclusively by such organization.

JOHN W. PEMBERTON,  
Clerk.

## REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Louis J. Willie as a member on the Board of Trustees of the Alabama State University.

On motion of Mr. Owen, the appointment of Mr. Willie as a member on the Board of Trustees of the Alabama State University was confirmed by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—30

*Nays:*

—0

#### FURTHER CONSIDERATION OF S. R. 455

The Senate proceeded to further consideration of the Resolution, S. R. 455.

The question was on the substitute offered by Mr. Goodwin.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama 36130

Gentlemen:

I herewith transmit to you a Message from the Governor.

Respectfully submitted,

HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 24th day of April, 1978.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama 36130

Gentlemen:

As this Session goes through its final day, I am deeply concerned that a great number of matters which are vital to the people of Alabama have not been completed.

In regard to the budgets, I want to say to you at the outset that I will not sign a budget that places the functions of State government in proration. I urge you to work on the three appropriation bills pending before you—that is, the Supplemental Appropriation Bill for the present fiscal year now in Conference Committee; the General Fund Budget for the operation of State government, also in Conference Committee; and the Education Appropriation Bill, which went to the Senate on the twentieth Legislative day. There is simply no reason that you cannot pass balanced and fiscally sound budgets

during this Regular Session. There is no valid reason at all to subject the people of this State to the expense of a Special Session of the Legislature to pass the General Fund and Education Budgets. This legislation is essential and vital for all of the functions of State government.

The people of Alabama are expecting you to take action today to pass these bills to provide assistance for the needy, the elderly, the sick, the disabled, and mentally ill; to maintain nursing homes; to provide police protection for our citizens; continue operation of the prisons; to keep the courts open; to construct and maintain our highways; and perhaps most importantly, to ensure that the education of our children is continued. One million three hundred thousand dollars (\$1,300,000) has been expended for this Regular Session, and it would be inconceivable to the people of Alabama that you would conclude this Session at such expense to the taxpayers without completing your work on the budgets which are vital to the operation of State government and the school systems.

You have other important matters unresolved on this final day of the Regular Session. I urge you to take up the legislation to place a limit on the amount of increase in property taxes. This matter has been thoroughly debated. The House has passed it on several previous occasions; and, the Senate has passed the "Lid Bill" in an amended form. This legislation is desperately needed by the property owners of this State to prevent their taxes from going skyhigh and without having any recourse available to them. Also still pending in the Legislature is a measure which will reallocate a portion of the monies paid by the Tennessee Valley Authority to the State by returning some of these funds to the counties served by TVA. This legislation is fair and should be favorably considered by you in this Regular Session.

I have indicated that I would call a Special Session of the Legislature in the event the so-called "Lid Bill" package and the TVA bill do not pass in this Regular Session. But I am beginning to wonder if it would do any good at all to call you back into Special Session. You have debated and discussed the "Lid Bill" package last year and all of the Session of this year without passing these bills. Similarly, you have been unable to reach agreement on the TVA plan. It would seem to me that a Special Session would be an act of futility. I am genuinely sorry that apparently the people of this State will have the burden of skyrocketing property taxes, but only the Legislature can prevent this.

I am deeply disappointed over your apparent failure to enact legislation authorizing the bond issue to provide capital outlay for needed construction. It is still not too late to approve this bond issue thereby providing funds to alleviate needs for capital improvements in our public schools.

I also feel strongly that you should complete work on the legislation providing tuition grants for students attending institutions of higher learning other than State colleges and universities. I believe that this legislation is fair to everyone concerned, and will help hold down the long run cost of higher education in our State.

Let me urge that you not delay, and that you deal with these matters that are so important to the well being of the people of Alabama.

Respectfully,

GEORGE C. WALLACE,  
Governor.

## GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, was read and ordered spread upon the Journal.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolution with the original Senate Bills and Senate Joint Resolution respectively, and finds same correctly enrolled, to-wit:

S. 556. To provide for a silent meditation period in the public schools.

Also:

S. 683. To provide for the filling of vacancies in any elected county offices in Etowah County and to repeal all conflicting statutes.

Also:

S. 684. To provide for the filling of vacancies in any elected Judicial Article offices in Etowah County and to repeal all conflicting statutes.

Also:

S. 690. To further amend Section 13 of Act 418, S. 358, approved November 13, 1959 (Acts 1959, p. 1107), which Act authorized the governing body of DeKalb County, Alabama to impose a certain gasoline excise tax within said county so as to provide further for the disposition of the proceeds from such tax.

Also:

S. 695. Relating to Mobile County; to provide an expense allowance for the county treasurer, payable from county funds.

Also:

S. 696. To repeal Act No. 653, H. 589, 1975 Regular Session (Acts of 1975, p. 1410), entitled "An Act To require the members of the board of registrars in all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent or any subsequent decennial census to be available at the city hall of each incorporated municipality for the purpose of voter registration and voter reidentification, once each 6 months, and to be available at certain unincorporated areas in the county once each 6 months at the request of the House of Representatives member who represents such area with the concurrence of the Senate member who represents such area."

Also:

S. 697. Relating to Mobile County; to require the members of the board of registrars in Mobile County to be available at the city hall of each incorporated municipality for the purpose of voter registration and voter reidentification, once each 6 months, and to be available at certain unincorporated areas in the county once each 6 months at the request of the House of

Representatives member who represents such area with the concurrence of the Senate member who represents such area, and to provide transportation and additional expense allowances for the members of the board of registrars.

Also:

S. 735. Relating to Walker County; to provide further for the compensation of district judges.

Also:

S. 740. To amend Sections 3, 12, 14 and 15, and add Section 28, of Act No. 243 H. 278, first Special Session 1964, as amended, which establishes the pension and relief system for policemen and firemen of the City of Mobile, by changing the amounts of contributions of the members and of the City, and by providing that the City may fix, in its discretion, such part of the assessment of costs of court in connection with prosecutions for violations of municipal ordinances to be credited to said pension and relief fund; to amend further said Act No. 243; to provide for an adjustment in retirement benefits to persons retiring after the effective date of this Act; and to provide for an adjustment in benefits to persons temporarily totally disabled.

Also:

S. 761. To further amend Section 1 of Act No. 103, H. 372, Regular Session, 1963 (Acts of Alabama 1963, p. 486) so as to further provide for the salary of the superintendent of education of Walker County.

Also:

S. 767. Relating to Escambia County; providing for the payment or reimbursement by said county to the members, including the chairman of the county commission, of their actual expenses incurred in the performance of their duties outside the county, including expenses incurred by them in attending conventions of the National Association of County Commissioners and the Alabama Association of County Commissioners.

Also:

S. 768. Relating to Escambia County; to provide for the compensation of the sheriff and all deputies sheriff other than the chief deputy sheriff in such county.

Also:

S. 769. Relating to Escambia County; to provide for the compensation of the sheriff of said county.

Also:

S. 770. Relating to Escambia County; to allow students of cosmetology or barbering in such county who have completed 250 hours of study in a registered school of cosmetology or barbering to work in a duly registered beauty shop or barber shop during non-school hours.

Also:

S. 771. Relating to Escambia County; to provide that the county commission of Escambia County may shall allocate and distribute among the several presently incorporated municipalities of Escambia County on a pro rata basis 33 1/3 percent of any oil and gas privilege tax monies which may be

received by Escambia County under the authority of any general or local law enacted by the legislature of Alabama after January 1, 1978.

Also:

S. 772. Relating to Escambia County; to amend further Act No. 411, H. 742, 1963 Regular Session (Acts 1963, p. 912), as amended, which act creates a county governing body for Escambia County, so as to authorize the governing body to establish a personnel board for the county and to prescribe the powers, duties and compensation of any such board; and to repeal Act 497, H. 1149 of the 1977 Legislature of Alabama (1977 Acts, p. 648) entitled, "An Act To provide for the establishment of a merit system for certain counties and municipal law enforcement officers in Escambia County, Alabama, and a merit system board governing the removal and official conduct of such officers; defining violations of the act; imposing penalties for violations; and repealing conflicting laws."

Also:

S. 773. To create an Industrial Development Authority for Escambia County for the purpose of promoting industry and trade and the development of said county; to provide for the organization, powers, functions, duties and personnel of such Authority and to provide for the payment of the expenses of such Authority and for the compensation of its employees.

Also:

S. 775. To increase the salaries of certain officials of Cullman County and to provide for the manner of their payment.

Also:

S. 776. Relating to Cullman County; to provide for the distribution and expenditure of any payments coming into the treasury of Cullman County that are derived, directly or indirectly, from payments by the Tennessee Valley Authority in lieu of the payment of ad valorem taxes.

Also:

S. 777. Relating to Cullman County, to regulate further the compensation of the tax assessor and tax collector and to repeal conflicting laws.

Also:

S. 778. Relating to Cullman County; to regulate employment practices with regard to road employees; to establish a county road personnel board and provide for its powers, jurisdiction, duties, compensation and allowances, membership, office space, supplies, equipment and clerical assistance; to provide for examination of job applicants; to establish procedures for employment and for suspension, discharge and other disciplinary actions and to provide for appeals from such actions and from decisions of the board; to prescribe duties and powers of the county governing body and the sheriff with regard to the board; to provide penalties for certain violations; to prohibit certain activities on the part of employees; to make the effectiveness hereof contingent upon the enactment of Senate Bill 346 of the 1978 Regular Session and its approval by the electors of the county at the referendum election provided for therein.



Also:

S. 779. Relating to Cullman County; to authorize the county governing body to expend county funds without regard to the competitive bid law, to purchase supplies and equipment for volunteer fire departments and fire units.

Also:

S. 780. To authorize municipalities of Walker County to elect to participate in the county civil service system and to provide for certain fees for employees of municipalities which so elect to be covered by the county merit system.

Also:

S. 781. Relating to Walker County, to create a license-issuing division within the probate judge's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to abolish the office of county license inspector as of January 1, 1979; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and costs pursuant to such system of renewal of motor vehicle licenses by mail; to create a special fund in the county treasury to receive such additional fees and costs of renewal by mail; and to authorize the establishment of auxiliary stations within the county for the sale of motor vehicle licenses and tags or decals.

Also:

S. 782. To provide that no state penitentiary or other state correctional or penal institution shall be located within the boundaries of Walker County unless approved by a majority of the qualified electorate of the county.

Also:

S. 788. Relating to St. Clair County; to require the county governing body of said county to provide for a civil service merit system for employees of the sheriff's office in said county.

Also:

S. 789. Relating to Montgomery County; to provide additional compensation for the members of the Board of Registrars.

Also:

S. 791. Relating to Montgomery County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses; giving this act retroactive effect.

Also:

S. J. R. 433. COMMENDING FREDERICK HOWARD DAVIS, SR.,  
ON HIS MANY CONTRIBUTIONS TO THE STATE OF ALABAMA.

U. W. CLEMON,  
Chairman.

## SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolution, the titles of which are set out in the foregoing report from the Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 234. To amend Section 41-9-452 of the Code of Alabama 1975 so as to further define the authority of the Sports Hall of Fame.

Also:

S. 235. To make a conditional appropriation from the general fund to the sports hall of fame at the Civic Center in Birmingham.

Also:

S. 458. To amend Sections 36-21-68 and 36-21-70 of the Code of Alabama 1975, so as to cut off monthly contributions for members of the Peace Officers' Annuity and Benefit Fund with 30 years or more service, and to effect a general increase in the schedule of benefits.

JOHN W. PEMBERTON,  
Clerk.

## FURTHER CONSIDERATION OF S. R. 455

The Senate proceeded to further consideration of the Resolution, S. R. 455.

The question was on the substitute offered by Mr. Goodwin.

## RESOLUTIONS

Mr. Owen offered the following Senate Joint Resolution, to-wit:

S. J. R. 456. EXTENDING BEST WISHES AND GRATITUDE TO JAKE JORDAN ON HIS IMMINENT RETIREMENT.

WHEREAS, State government in Alabama has been blessed with expert fiscal advice from Mr. James V. Jordan for many years; and

WHEREAS, "Mr. Jake" began his service to the state in the treasurer's office before World War II, and served his country during the war as a Marine Corps sergeant in the South Pacific; and

WHEREAS, After the war Jake Jordan resumed his career with the state as Assistant Budget Officer, and was promoted to Budget Officer in 1946; and

WHEREAS, As Budget Officer during the tenure of ten governors, Mr.

Jake's expertise in the area of Government finance was widely recognized, winning for him election to the presidency of the National Association of Budget Officers in 1953; and

WHEREAS, He has been of invaluable assistance to hundreds of legislators during his long career, both as Budget Officer and as Legislative Fiscal Officer, a position he has held since 1975; his booming voice, his steel-trap mind, and his ready wit will long be remembered by his countless friends, both on Goat Hill and over the state; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wish for Mr. Jake Jordan many years of continued good health and happiness in his retirement; his shoes will be hard to fill.

BE IT FURTHER RESOLVED That we extend to him our deepest gratitude for his many years of expert service to the Legislature and the people of Alabama.

BE IT FURTHER RESOLVED That a copy of this resolution be presented to Mr. Jordan and to the Legislative Fiscal Office.

On motion of Mr. Owen, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. McMillan and Pearson offered the following Senate Joint Resolution, to-wit:

S. J. R. 457. COMMENDING EXPLORER SCOUT POST 309 FOR WINNING THE EXPLORER SCOUT OLYMPICS.

WHEREAS, Explorer Scout Post 309, sponsored by Midway United Methodist Church for Adamsville, has won the Explorer Scout Olympics for the Birmingham area council for an unprecedented third consecutive time; and

WHEREAS, the members of Explorer Post 309 are from all over Jefferson County, and

WHEREAS, these members not only excel in athletics but are a credit to their community and respective schools wherever they reside; and

WHEREAS, Post 309 attended the National Explorer Olympics in 1976 and won fourth place nationally with over 100 posts participating and 2,000 young people from across the nation, and

WHEREAS, Post 309 has outstanding youth leadership as evidenced by the election of some of their officers as council officers and the Advisor of Post 309 is Don W. Ellis, and Chairman of Post 309 Committee is Robert L. Ellis, Jr., both of whom have a total of 49 years service in the scouting program; and

THEREFORE BE IT RESOLVED THAT THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Explorer Post 309 for its outstanding achievement in both the explorer program and the explorer olympics, and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the President of Post 309 and to the Midway United Methodist Church.

On motion of Mr. McMillan, the Rules were suspended and the Resolution was adopted by the Senate.

## FURTHER CONSIDERATION OF S. R. 455

The Senate proceeded to further consideration of the Resolution, S. R. 455.

The question was on the substitute offered by Mr. Goodwin.

On motion of Mr. Clemon, said Resolution, S. R. 455, and pending substitute were laid on the table.

## UNFINISHED BUSINESS

## BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

H. 137. To make an appropriation to the various public school systems of the state from the Special Educational Trust Fund for the purpose of libraries in the public elementary and secondary schools.

Mr. Perry offered the following amendment to the Bill, H. B. 137, to-wit:

## AMENDMENT TO H. B. 137

Amend House Bill No. 137 Page 1 Line 29, by striking out \$5.00 after the word Educational Trust Fund and insert in lieu thereof \$20.00. And striking in the synopsis \$5.00 after the words in the asset of and insert in lieu thereof \$20.00

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 932. To amend Section 6, Act No. 727, H. 1714 of the 1973 Regular Session (Acts 1973, Vol. II, p. 1086), which act regulates the method of compensating certain officers in Bibb County, so as to further regulate the method of compensation for the probate judge for services he renders as chairman of the county commission, and to validate such method retroactively to the effective date of the original act.

Also:

H. 935. Relating to Bibb County; to provide for the levy and collection of an additional five mill ad valorem tax outside the corporate limits of the incorporated municipalities of the county for water, sewer and fire protection purposes in the affected area; and to provide for referendum election by the electors of the county.

Also:

H. 933. Relating to Bibb County; to further amend Act No. 866, H. 1194, Regular Session 1969 (Acts 1969, p. 1577), as amended, which act provides for compensation and expenses of the sheriff's staff.

Also:

H. 934. Relating to Bibb County; to authorize the county governing

body of said county to pay a certain monthly expense allowance for the Secretary of the Bibb County Board of Equalization for work performed in the statewide property reappraisal program for ad valorem tax purposes.

Also:

H. 925. To provide for a county salary supplement for the District Attorney of the 37th Judicial Circuit and to provide for the payment of such supplement out of county general funds.

Also:

H. 788. Relating to county health officers or administrators in Tuscaloosa County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

Also:

H. 786. Relating to Shelby County; providing for the temporary detention, care and handling of mentally ill persons, pending any formal commitment proceedings for the purpose of determining whether such persons should be committed to the Alabama state hospitals.

Also:

H. 793. Relating to Clarke County; to provide further for the compensation of election officials.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 171. To provide salary increases for certain State Employees and to appropriate funds therefor.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. 1138. To further amend Section 5 of Act No. 2182, H. 2753 Regular Session 1971 (Acts 1971, p. 3489) entitled "An Act To provide for the City of Jacksonville in Calhoun County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws, so as to increase the pay of members of the Board and to increase the authorized expenditure of the municipality for the operation of the board, and further limit the officers and employees to which the act shall not apply," so as to provide staggered terms for members of the board.

Also:

H. 185. Relating to Baldwin County; providing for the regulation of the construction of water wells within said county; providing for the licensing of water well drillers; providing for the promulgation and publication of rules and regulations to effectuate the provisions of this act; creating a board to be known as the Baldwin County Water Well Standards Board; providing for the qualification, appointment and removal of board members and the filling of vacancies and fixing their tenure of office; providing penalties for violation of this act; and repealing conflicting laws.

Also:

H. 1150. Relating to Baldwin County; to provide an additional expense allowance for the register of the Circuit Court.

Also:

H. 1149. To provide certain county salary supplements for all district judges serving within the Twenty-Eighth judicial circuit of this state and to provide for retroactive effect.

Also:

H. 1157. To further amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama of 1951, pp. 1579 et seq.), as heretofore amended, which said Act, as heretofore amended, is entitled "An Act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system; to make the provisions of such system applicable on and after September 1, 1969, to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and to provide membership in the system for certain employees of a Civic Center Authority in any county in which any such city may be located."

Also:

H. 1164. Relating to Elmore County; repealing Act No. 218 of the 1976 Regular Session (Acts 1976, Vol. I, p. 232) establishing a consolidated and unified system of assessment and collection of taxes by an elective county revenue commissioner, providing therefor and abolishing the offices of tax assessor and tax collector in Elmore County.

Also:

H. 1156. Relating to St. Clair County, to authorize and direct the county governing body to distribute certain beer tax revenues collected pursuant to Act No. 515, H. 1028, 1969 Regular Session (Acts 1969, p. 985) to certain agencies and institutions within the county.

Also:

H. 1114. To provide further for the regulation of the sale of alcoholic beverages in Houston County, Alabama; to authorize the City of Dothan in said county to further license, regulate and control the sale of certain alcoholic beverages within the corporate limits and the police jurisdiction thereof with a city license parallel to the state license for such privilege.

Also:

H. 1100. Relating to Talladega County; to provide for the salary of the sheriff.

Also:

H. 1102. Relating to Baldwin County; to provide for the compensation and allowances of the directors of certain utility boards heretofore or hereafter established in the county; and to make the provisions of this Act retroactive to January 1, 1978.

Also:

H. J. R. 645. MOURNING THE DEATH OF COACH EUIL SNIDER.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1165. Providing for purging the lists of registered voters in Geneva County; requiring and prescribing the procedure for the purging and reidentification of registered voters; placing certain duties on the board of

registrars, judge of probate, and the county governing body relative to the reidentification and purging of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Also:

H. 961. Relating to Calhoun County; to amend Section 1 of Act No. 425, H. 997, Regular Session 1975 (Acts of 1975, p. 1020), relating to the Industrial Development Authority for Calhoun County, so as to increase the membership of the Authority to 28 members and to provide that members of the Calhoun County legislative delegation need not reside in Calhoun County in order to qualify to be an Authority member.

Also:

H. 1121. To amend further Act No. 592, S. 456, Regular Session 1953 (Acts 1953, p. 838), which act establishes a civil service sytem for employees of the City of Anniston, Alabama in Calhoun County, so as to provide further for certain expenditures of the civil service board created by said act.

Also:

H. 964. Relating to Calhoun County; to amend Section 3 of Act No. 274, H. 990, Regular Session 1975 (Acts of 1975, p. 809), relating to the civil service system of Calhoun County, so as to provide that members of the Calhoun County Civil Service Board shall be appointed by all the members of the Calhoun County legislative delegation.

Also:

H. 1109. To amend Section 1 of Act No. 244, H. 599, 1951 Regular Session (Acts of 1951, p. 521), relating to Sumter County, so as to further provide for the amount paid annually by the county governing body to the county board of education.

Also:

H. 1099. To provide for purging the lists of registered voters in Coosa County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars, judge of probate and the county governing body relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Also:

H. 1122. Relating to the City of Anniston, Alabama; authorizing the City of Anniston, Alabama, at the sole discretion of the City Council of said City, to appropriate funds each fiscal year to pay not to exceed fifty percent (50%) of the costs of the Calhoun County District Court, Juvenile Division.

Also:

H. 1135. Relating to Shelby County; authorizing any bank situated within the County to open, establish, operate and maintain branch banks, branch offices or other places of business within the limits of said county.

Also:

H. 1063. To amend Sections 3, 12, 14 and 15, and add Section 28, of Act



No. 243 H. 278, first Special Session 1964, as amended, which establishes the pension and relief system for policemen and firemen of the City of Mobile, by changing the amounts of contributions of the members and of the City, and by providing that the City may fix, in its discretion, such part of the assessment of costs of court in connection with prosecutions for violations of municipal ordinances to be credited to said pension and relief fund; to amend further said Act No. 243; to provide for an adjustment in retirement benefits to persons retiring after the effective date of this Act; and to provide for an adjustment in benefits to persons temporarily totally disabled.

Also:

H. 730. Relating to the eighteenth judicial circuit of Alabama; to amend Section 1 of Act No. 119, H. 52, 1975 Regular Session (Acts of 1975, p. 347), entitled "To provide an expense allowance to the official court reporter, for Circuit Judge Place No. 1 of the eighteenth judicial circuit of Alabama payable by the counties composing said circuit," so as to provide an expense allowance to the official court reporter for Circuit Place No. 2 of the eighteenth judicial circuit of Alabama.

Also:

H. 561. To create the office of a clerk-receptionist in the office of the District Attorney of the Sixth Judicial Circuit and provide for the appointment, duties, and compensation of such clerk-receptionist.

Also:

H. 562. To create the office of Deputy District Attorney No. 7 of the Sixth Judicial Circuit and provide for the appointment, duties and compensation of such office.

Also:

H. 1075. Relating to Greene County; providing for an expense allowance for the chairman and for associate members of the county governing body, and providing retroactive effect for the allowances for the associate members.

Also:

H. 1136. To amend the title and Section 1 of Act No. 187, H. 595 of the 1963 Regular Session so as to provide further for the expense allowance of members of the county governing body in all counties having populations of not less than 18,500 nor more than 20,500 according to the 1970 or any subsequent federal decennial census; giving this act retroactive effect.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### FURTHER CONSIDERATION OF H. B. 137

The Senate proceeded to further consideration of the Bill, H. B. 137.

The question was on the amendment offered by Mr. Perry.

### RESOLUTIONS

Messrs. Vacca, Ellis, Clemon, McMillan, Wilson, Gilmore, Adams, Baker, Bank, Edwards, Fine, Foshee, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, and Waldrop offered the following Senate Joint Resolution, to-wit:

S. J. R. 458. EXPRESSING THE APPRECIATION OF THE LEGISLATURE TO THE MEMBERS OF THE LEGISLATIVE WIVES CLUB.

WHEREAS, the Legislature of Alabama is gratefully aware of the many contributions of the Legislative Wives to both the House and Senate on many occasions and in various capacities during this and past sessions of the Legislature; and

WHEREAS, as we all know, "Around the Spiral Staircase," a superb collection of famous and delicious "Alabama" recipes, is a published result of a joint effort by members of this fine organization with proceeds from its sale allotted to preservation of our historic Capitol; and

WHEREAS, they have also, from time to time, provided lunch for members of the legislature, as well as providing assistance in other areas, both voluntarily and upon request; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we gratefully express the appreciation of the Alabama Legislature to all members of the Legislative Wives Club and further direct that a copy of this resolution be presented to President Elizabeth Gilmore on behalf of the entire organization as but a token of our appreciation and esteem.

On motion of Mr. Vacca, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Wilson, Jones, Peden, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, and Waldrop offered the following Senate Joint Resolution, to-wit:

S. J. R. 459.

WHEREAS, Alabama's own George Lindsey has just completed his 7th Annual Celebrity Weekend drawing thousands of people from across the state and nation to Montgomery, and

WHEREAS, Gorrge Lindsey started in 1971 as Water Boy at the first state games at Samford University with 3000 children, and is now Head Coach with 20,000 physically and mentally handicapped children in the program; and

WHEREAS, because of the George Lindsey Celebrity Weekend, Alabama is recognized by the Eunice Kennedy Shriver Foundation as the

strongest state in the nation in support of the Special Olympics, and is hailed by all the celebrities who have participated as the best tournament in the country; and

WHEREAS this has been the most successful George Lindsey Celebrity Weekend ever held with a sellout for the show and an estimated 22,000 people attending the Golf Tournament, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That George Lindsey be congratulated on the tremendous success of this Celebrity Weekend and that we extend to him our most sincere thanks and appreciation for his continued compassion and love for Alabama's special children.

RESOLVED FURTHER, That a copy of this resolution be sent to George Lindsey and to the Alabama Special Olympics.

On motion of Mr. Wilson, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Perry, Wilson, Peden, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, and Waldrop offered the following Senate Joint Resolution, to-wit:

S. J. R. 460. NAMING THE STUDENT CENTER BUILDING AT GEORGE C. WALLACE STATE COMMUNITY COLLEGE, SELMA, THE "EARL GOODWIN CENTER".

WHEREAS, Our friend, Senator Earl Goodwin, has long been a prominent and respected citizen of Selma, Alabama, and has given freely of his talents and influence in civic, charitable and educational affairs in his community; and

WHEREAS, This body wishes to give Earl Goodwin the recognition and honor which he so richly deserves; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Student Center Building at George C. Wallace State Community College in Selma, Alabama, be named the "Earl Goodwin Center".

BE IT FURTHER RESOLVED That copies of this Resolution be presented to Senator Goodwin and to Mr. Charles L. Byrd, President, George C. Wallace State Community College, Selma.

On motion of Mr. Perry, the Rules were suspended and the Resolution was adopted by the Senate.

#### FURTHER CONSIDERATION OF H. B. 137

The Senate proceeded to further consideration of the Bill, H. B. 137.

The question was on the amendment offered by Mr. Perry.

#### REPORT OF COMMITTEE ON CONFERENCE

We the Committee on Conference appointed to reconcile the difference of

the two houses concerning Senate Substitute to S. 738 have met in conference and have agreed to the following substitute:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Jackson County, Alabama, to provide for the budgeting for the number, classification, and compensation of employees of the office of Sheriff of such county, and the manner of payment therefor; to provide for motor vehicles for said office and maintenance thereof; to provide for the payment of operational cost of the Sheriff's Office; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Jackson County, Alabama, is authorized to appoint and to exercise all supervisory authority over all employees of the sheriff's department of Jackson County, including but not limited to deputies, investigators, clerks, jailers, matrons, radio operators, cooks and any other necessary employees for the operation of the sheriff's department. The exact number of employees and the compensation paid to each person in each classification shall be determined by the Sheriff within the budgetary restraints provided herein. The Sheriff shall have the power to discipline all of said employees, including but not limited to reprimand, suspension with or without pay, reduction in salary or job classification or dismissal from employment. In addition to compensation as salary or wages, each employee provided for herein shall be entitled to all employee benefits provided for all other county employees provided, however, that the budget for the Sheriff's department shall be automatically increased by an amount sufficient to provide the same percentage salary increase for the employees of the Sheriff's office as is provided for other county employees when a raise is provided for county employees.

Section 2. The Sheriff of Jackson County, Alabama, is also authorized to purchase such automobiles and equipment for his department and the jail as may be necessary and advisable and may cause such repairs and maintenance to be made as are needed subject only to the budgetary restraints or limitations of his department; provided, however, that whenever a transaction requires competitive bids that the normal competitive bid procedures of the county be followed. The county governing body shall be required to process any purchases for which competitive bids are required as soon as is practical upon written request from the Sheriff. Upon failure of the county governing body to let bids within 30 days from the Sheriff's written request, the Sheriff may proceed with the competitive bid process himself.

Section 3. The Sheriff of Jackson County is also authorized to purchase, subject to the same provisions with regard to competitive bids as are provided in Section 2, such other equipment, supplies, furnishings, telephone services, gas and oil and other items or services necessary for the proper maintenance of the sheriff's department as he may deem necessary, subject to budgetary restraints or limitations provided herein.

Section 4. On or before July 1 of each calendar year, the Sheriff of Jackson County shall submit to the county governing body a recommended budget showing estimated expenditures for salaries; automobile purchases; telephone expenses; gas, oil and maintenance of vehicles, equipment and furnishings purchase; supplies; and other miscellaneous expenses and mak-

ing a total budget request. On or before September 1 of each year the county governing body shall, by resolution spread upon the minutes and written notice to the Sheriff, approve a total appropriation to the sheriff's department but shall not limit any line item expenditure requested. For the fiscal year beginning October 1, 1978, the preceding three years shall be the base years with the final year's total expenditure to be estimated since the resolution is required to be adopted prior to the end of the last fiscal year. The appropriation shall not be less than the average amount expended from any county fund or source of revenue for all expenses of operating the sheriff's department in the three years next preceding the appropriation being made unless the total county revenue should decrease, then a pro-rata reduction of a like percentage may be made, provided however, that no expenditures for prisoners' health or dental care, utilities, capital outlay on the courthouse, or repairs, renovation, replacement or maintenance on the jail or heating and air conditioning shall be included in the computation of past expenses. These items of prisoners' health and dental care, capital outlay on the courthouse, or repairs, renovation, utilities, replacement or maintenance on the jail or heating and air conditioning shall be paid by the county governing body in addition to the appropriation herein provided. The county governing body shall establish a fund to be known as the "Sheriff's Fund" in a bank to be selected by the county governing body. On October 1, 1978, and on the first of each month thereafter one-twelfth of the appropriation herein provided for shall be transferred to the Sheriff's Fund and the sheriff may draw warrants or checks or drafts on this fund to pay the expenditures of his department as provided herein. The county governing body may deduct from said amount the amount necessary to pay employee fringe benefits if said benefits are included in an overall employee program administered by the county for all county employees. The Sheriff's Fund shall be audited by the Examiners of Public Accounts as all other funds of Jackson County and the sheriff of Jackson County shall be responsible for any charge backs or exceptions from any expenditures from said fund. The sheriff shall file with the county governing body a list of all expenditures from said fund on or before the 10th of the month following each month which statement shall be a public record. Any surplus remaining in said budget at the end of each fiscal year shall be carried forward as an additional appropriation and shall not be considered as a part of the new fiscal year appropriation. The county governing body may make additional or supplemental appropriation to the sheriff's department if they deem it in the best interest of the county to do so.

Section 5. The Sheriff is not authorized to incur debts or obligations in any year in excess of the amount appropriated and may be held personally liable by any creditor or the county for any amount obligated in excess of said appropriation.

Section 6. The Sheriff is authorized to use any amount of the total appropriation for any item in his budget request or to match any federal grant available, including LEPA funds.

Section 7. All laws, or parts of laws, in conflict with the provisions hereof are repealed.

Section 8. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law and

shall begin application for the fiscal year beginning October 1, 1978.

BETHEL STARKEY,  
HARTWELL B. LUTZ,  
ROGER KILLIAN,  
House Conferees.  
JOHN BAKER,  
BILL KING,  
ALBERT McDONALD,  
Senate Conferees.

### CONFERENCE REPORT

On motion of Mr. Baker, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. 738. Relating to Jackson County, Alabama; to provide for the budgeting for the number, classification, and compensation of employees of the Office of Sheriff of such County, and the manner of payment therefor; to provide for motor vehicles for said office and maintenance thereof; to provide for the payment of operational cost of the Sheriff's Office; and repealing conflicting laws.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 203. To provide safeguards for federal tax return information used in the administration of Alabama revenue laws and to provide penalties for the misuse of such information.

JOHN W. PEMBERTON,  
Clerk.

### FURTHER CONSIDERATION OF H. B. 137

The Senate proceeded to further consideration of the Bill, H. B. 137.

The question was on the amendment offered by Mr. Perry.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 760. To propose an amendment to the Constitution of Alabama to provide a single retirement system for all public officers and employees.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

Mr. St. John moved that the Senate non-concur in the following House amendment to the Bill, S. B. 760, the title of which is set out in the foregoing Message from the House, to-wit:

## HOUSE SUBSTITUTE FOR S. B. 760

A BILL  
TO BE ENTITLED  
AN ACT

To propose an amendment to the Constitution of Alabama to prospectively eliminate the growth of various supernumerary and judicial retirements by providing that certain future elected and appointed public officers and employees of the state shall become members of the Employees' Retirement System of Alabama; and to provide that this amendment shall not apply to any such officer or employee who is employed or holding office on the date this amendment becomes effective.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor;

## PROPOSED AMENDMENT

The following elected or appointed officials and employees of the state shall become members of the Employees' Retirement System of Alabama and participate therein in the same manner and under the same conditions as may be provided by the Legislature for the participation of regular state employees of Alabama: Chief Justice of the Supreme Court of Alabama, Associate Justices of the Supreme Court of Alabama, Judges of the Court of Civil Appeals, Judges of the Court of Criminal Appeals, Circuit Judges, District Court Judges, Probate Judges, District Attorneys, Assistant District Attorneys, Tax Assessors, Tax Collectors, Sheriffs, official court reporters, clerks and registers of any judicial circuit or of any district court, and all elected or appointed officials of state government, except that this amendment shall not apply to legislators.

This amendment shall not apply to any employee, judge or official, elected or appointed, who is employed or holding office or who has retired on or before the date this amendment becomes effective; and this amendment shall not apply to any person who after the date this amendment becomes

effective assumes an office or position of employment in which he is eligible to become a member of the Teachers' Retirement System of Alabama.

Where the salary of any officer or employee required by this amendment to participate in the Employees' Retirement System of Alabama is paid from different sources, then the employer share attributable to the officer or employees' participation shall be paid from the same sources to the same extent and proportion as the source contributes to the salary.

Any official, judge, or employee required by this amendment to participate in the Employees' Retirement System of Alabama, shall not be allowed to participate in or receive any benefits, allowances or compensation under any other retirement, supernumerary or pension plan or program wholly or partially funded from public funds; provided, however, the Legislature may provide that such officials, judges, or employees may participate in the Federal Social Security program.

Section 2. An election upon the proposed amendment is ordered to be held on the 4th Tuesday in September, 1978. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Mr. Baker offered a substitute motion that the Senate concur in the House amendment to the Bill, S. B. 760.

Mr. St. John moved that the motion to concur be laid on the table, which motion was lost.

Yeas 14; Nays 17.

*Yeas:*

Messrs. Adams, Bank, Clemon, Fine, Goodwin, McMillan, Mitchell, Pearson, Perloff, Perry, St. John, Shelby, Vacca, Wilson.

—14

*Nays:*

Messrs. Baker, Edwards, Ellis, Foshee, Higginbotham, Jones, King, Little, McDonald (A), Mims, Owen, Peden, Powell, Proctor, Roberts, Stewart, Teague.

—17

The question was then on the motion of Mr. Baker that the Senate concur in the House amendment to the Bill, S. B. 760.

At 3:55 P.M., Mr. St. John moved that further consideration of the motion to concur in the House amendment to the Bill, S. B. 760, be postponed for one hour.



On motion of Mr. Baker, the motion to postpone was laid on the table.

Yeas 15; Nays 10.

*Yeas:*

Messrs. Baker, Edwards, Ellis, Foshee, Gilmore, Higginbotham, King, Little, McDonald (A), Owen, Peden, Roberts, Teague, Vacca, Waldrop.

—15

*Nays:*

Messrs. Adams, Clemon, Fine, Goodwin, McMillan, Mitchell, Noonan, Perry, St. John, Wilson.

—10

On motion of Mr. St. John, further consideration of the motion to concur in the House amendment to the Bill, S. B. 760, was postponed until after consideration of the Bill, H. B. 245.

### SENSE OF THE SENATE

The President and Presiding Officer suggested the following procedure for resolving the differences between the House and the Senate concerning the TVA bill, S. B. 759, and the "lid" bill, H. B. 400, to-wit:

#### PROCEDURE ON TVA-LID BILL

1. That the House pass the TVA Bill and send to Senate, and the Lieutenant Governor withhold signature.

2. That the Conference Committee report the Lid Bill without the TVA provision.

3. That the House and Senate pass the Lid Bill without the TVA provision.

4. That the TVA Bill be then signed by Lieutenant Governor.

Mr. St. John moved that the Sense of the Senate be determined on the above procedure, which motion was adopted.

On a call of the roll, the following senators agreed to said procedure:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—30

### FURTHER CONSIDERATION OF H. B. 137

The Senate proceeded to further consideration of the Bill, H. B. 137.

The question was on the amendment offered by Mr. Perry.

On motion of Mr. Fine, further consideration of the Bill, H. B. 137, and pending amendment, was postponed until after consideration of the Bill, H. B. 245.

## BILLS ON THIRD READING RESUMED

## The Bill:

H. 245. To make annual appropriations for the support, maintenance, and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1979.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 245, to-wit:

## COMMITTEE SUBSTITUTE FOR H. B. 245

A BILL  
TO BE ENTITLED  
AN ACT

To make annual appropriations for the support, maintenance, and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1979.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated, for the support of public education in Alabama for the fiscal year ending September 30, 1979 and for the public debt, to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 7, inclusive. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs are shown so as to include estimated sources of funds other than the appropriation made in subsection (a) of Section 2 of this Act. For the purpose of this Act, the following definitions shall be applicable: (a) "Capital Outlay" shall include all expenditures for the purchase of land, buildings, and renovations; (b) "Equipment-Other than Automotive" shall mean those items of office equipment, and other equipment which have an appreciable and calculable period of usefulness in excess of one year; (c) "Automotive Equipment" shall mean those items of motor vehicle equipment only and the money appropriated therefore shall be expended only for such purposes. The amounts herein appropriated for "equipment purchases" and "automotive equipment purchases" shall be decreased by the amount of the sale, trade-in or exchange of the items of equipment purchases and automotive equipment purchases as described in Section 1 (b) and (c) hereof; (d) "ASETF" shall mean Alabama Special Educational Trust Fund.

Section 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1979 and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 4, Chapter 4, Title 41 of the Code of Alabama 1975), the provisions of Act No. 494 adopted at the 1976 Regular Session, and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Federal and Other Funds" and "Total" are set forth for the purpose of indicating amounts

estimated to be available by programmatic area from sources other than from appropriations made in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for and efficient use of the funds available to and hereby appropriated by the legislature, it being the intention hereof to make appropriations only from the funds referred to in subsection (a) of this Section 2.

Provided, that if, at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

|  | ASETF   | TRUST<br>FUNDS | APPROPRIATION<br>TOTAL |
|--|---------|----------------|------------------------|
| Section 3.   |         |                |                        |
| A. STATE AGENCIES  |         |                |                        |
| 1. Council on the Arts and Humanities  |         |                |                        |
| (a) Fine Arts Program .....  |         |                | 1,014,098              |
| Source of Funds:   |         |                |                        |
| (1) ASETF .....  | 400,000 |                |                        |
| (2) Federal and Local Funds ....   |         | 614,098        |                        |
| Total Council on the Arts and Humanities .....   | 400,000 | 614,098        | 1,014,098              |
| 2. Debt Service .....  |         |                |                        |
| (a) For the payment of principal and interest due on bonds issued by the University of Alabama Research-Institute pursuant to Constitutional Amendment No. CLVII ..... | 211,300 |                |                        |
| (b) Interest on Endowments:  |         |                |                        |
| For interest on University of Montevallo (Alabama College) Endowment, Estimated ...  | 45,000  |                |                        |
| For interest on Auburn University Endowment .....  | 20,280  |                |                        |
| For interest on University of Alabama Endowment .....  | 61,000  |                |                        |
| For interest on Grove Hill Endowment .....   | 600     |                |                        |
| For interest on Public School Fund Endowment:  |         |                |                        |
| Interest on 16th Section lands, Estimated .....  | 410,000 |                |                        |
| Interest on School Indemnity Lands, Estimated .....  | 90,000  |                |                        |

|   |         |
|---|---------|
| Interest on Valueless 16th Section<br>lands ..... | 5,825   |
| Interest on Surplus Reve-<br>nue .....            | 26,764  |
| Interest on James Wallace<br>Fund .....           | 275     |
| Total .....                                       | 659,744 |

## SOURCE OF FUNDS:

|  |         |         |
|--|---------|---------|
| (1) ASETF .....  | 871,044 |         |
| Total Debt Service .....                                     | 871,044 | 871,044 |
| 3. Board of Dental Scholarship<br>Awards                     |         |         |
| (a) Support of Other Educational<br>Activities Program ..... |         | 228,000 |

## Source of Funds:

|   |         |         |
|---|---------|---------|
| (1) ASETF .....                                   | 228,000 |         |
| Total Board of Dental Scholarship<br>Awards ..... | 228,000 | 228,000 |

(To be expended under the provi-  
sions of Act No. 662, (1977 Regu-  
lar Session.)

## 4. Department of Education

|                                  |             |
|----------------------------------|-------------|
| (a) Financial Assistance Program | 227,249,395 |
|----------------------------------|-------------|

The proposed spending plan for the  
above is as follows:

Vocational Education 48,678,717  
(\$300,000 is to be used for Agribus-  
iness Center)

## SOURCE OF FUNDS:

|   |            |             |             |
|---|------------|-------------|-------------|
| (1) ASETF .....                               | 48,678,717 |             |             |
| (2) Federal and Local Funds ....              |            | 178,570,678 |             |
| Total Financial Assistance Pro-<br>gram ..... | 48,678,717 | 178,570,678 | 227,249,395 |

The appropriation hereinabove for  
Vocational Education shall be  
disbursed or obligated in accord-  
ance with a formula adopted by  
the State Board of Education  
upon recommendation of the  
State Superintendent.

In the event proration should be-  
come necessary due to the loss of  
Federal Vocational Funds, each  
local board shall be reduced by

his prorata share under the adopted State Board of Education formula.

|  |           |
|--|-----------|
| (b) Instructional Technical Assistance Program ..... | 7,231,665 |
|--|-----------|

The proposed spending plan for the above is as follows:

|  |           |
|--|-----------|
| Civil Defense .....                              | 24,200    |
| Drug Education .....                             | 181,500   |
| Operation & Maintenance of Department .....      | 331,681   |
| Right-to-Read .....                              | 85,000    |
| Career Education .....                           | 110,000   |
| Kindergarten Adm. ....                           | 85,000    |
| Mimumum Program—Trainable Retarded Children .... | 524,307   |
| National Defense .....                           | 399,300   |
| Vocational Education ..                          | 1,466,673 |
| Alabama Learning Resource Center .....           | 60,000    |

#### SOURCE OF FUNDS:

|  |           |                  |           |
|--|-----------|------------------|-----------|
| (1) ASETF .....  | 3,267,661 |                  |           |
| (2) Federal and Local Funds ....                       |           | <u>3,964,004</u> |           |
| Total Instructional Technical Assistance Program ..... | 3,267,661 | 3,964,004        | 7,231,665 |

(The appropriation for Minimum Program—Trainable Retarded Children is the same appropriation as set out in Act No. 67, approved June 27, 1963, and shall be expended in accordance with that Act.)

|  |            |
|--|------------|
| (c) Local Agency Support Program ..... | 11,182,190 |
|--|------------|

The proposed spending plan for the above is as follows:

|  |         |
|--|---------|
| Coordination of In-School Television .....                                       | 127,201 |
| Driver Education, School Bus Driver Training and Vehicle Safety Inspection ..... | 371,289 |
| Operation & Maintenance of Department .....                                      | 337,490 |
| Testing .....  | 425,000 |
| Developing, Printing and Publish-  |         |

|   |            |                  |            |
|---|------------|------------------|------------|
| ing Legal & Policy Manuals .....                        | 5,000      |                  |            |
| Free Textbooks .....                                    | 8,602,500  |                  |            |
| Plans & Surveys .....                                   | 90,150     |                  |            |
| Facilities Survey .....                                 | 300,000    |                  |            |
| SOURCE OF FUNDS:  |            |                  |            |
| (1) ASETF .....   | 10,258,630 |                  |            |
| (2) Federal and Local Funds ....                        |            | <u>923,560</u>   |            |
| Total Local Agency Support Program .....                | 10,258,630 | 923,560          | 11,182,190 |
| (d) Regulation Program .....                            |            |                  | 834,432    |
| The proposed spending plan for the above is as follows: |            |                  |            |
| Operation & Maintenance of Department .....             | 299,199    |                  |            |
| Teacher Certification & Accreditation .....             | 242,000    |                  |            |
| SOURCE OF FUNDS:  |            |                  |            |
| (1) ASETF .....   | 541,199    |                  |            |
| (2) Federal and Local Funds ....                        |            | <u>293,233</u>   |            |
| Total Regulation Program .....                          | 541,199    | 293,233          | 834,432    |
| (e) Administrative Services Program .....               |            |                  | 8,173,141  |
| The proposed spending plan for the above is as follows: |            |                  |            |
| Compact for Education ...                               | 15,750     |                  |            |
| Operation & Maintenance of Department .....             | 1,600,043  |                  |            |
| Telephone Revolving Fund                                | 900,000    |                  |            |
| Source of Funds:  |            |                  |            |
| (1) ASETF .....   | 2,515,793  |                  |            |
| (2) Federal and Local Funds ....                        |            | <u>5,657,348</u> |            |
| Total Administrative Services Program .....             | 2,515,793  | 5,657,348        | 8,173,141  |
| (f) Adult Basic Education Program .....                 |            |                  | 5,660,599  |
| The proposed spending plan for the above is as follows: |            |                  |            |
| Adult Basic Education .                                 | 1,700,000  |                  |            |
| Community Education ..                                  | 100,000    |                  |            |
| Operation & Maintenance of Department .....             | 15,052     |                  |            |

## Source of Funds:

|   |           |                  |           |
|---|-----------|------------------|-----------|
| (1) ASETF .....                           | 1,815,052 |                  |           |
| (2) Federal and Local Funds ....          |           | <u>3,845,547</u> |           |
| Total Adult Basic Education Program ..... | 1,815,052 | 3,845,547        | 6,660,599 |
| (g) Continuing Education Program .....    |           |                  | 777,323   |

The proposed spending plan for the above is as follows:

|   |        |
|---|--------|
| Operation & Maintenance of Department ..... | 20,862 |
| Administration of Private School Act .....  | 49,500 |

## Source of Funds:

|   |        |                |         |
|---|--------|----------------|---------|
| (1) ASETF .....   | 70,362 |                |         |
| (2) Federal and Local Funds ....  |        | <u>706,961</u> |         |
| Total Continuing Education Program .....  | 70,362 | 706,961        | 777,323 |
| (h) Administration of Post-Secondary Vocational—Technical Education Program ..... |        |                | 9,243   |

The proposed spending plan for the above is as follows:

|  |       |
|--|-------|
| Operations & Maintenance of Dept. .... | 9,243 |
|--|-------|

## SOURCE OF FUNDS:

|   |              |  |       |
|---|--------------|--|-------|
| (1) ASETF .....   | <u>9,243</u> |  |       |
| Total Admin. of Post-Secondary Vocational-Technical Education Program ..... | 9,243        |  | 9,243 |
| (i) Administration of Junior College School System Program ..               |              |  | 9,243 |

The proposed spending plan for the above is as follows:

|   |       |
|---|-------|
| Operation & Maintenance of Department ..... | 9,243 |
|---|-------|

## SOURCE OF FUNDS:

|  |              |  |            |
|--|--------------|--|------------|
| (1) ASETF .....  | <u>9,243</u> |  |            |
| Total Adm. of Junior College School System Program ..... | 9,243        |  | 9,243      |
| (j) Rehabilitation Services Program .....                |              |  | 32,839,711 |

## SOURCE OF FUNDS:

|   |           |                   |            |
|---|-----------|-------------------|------------|
| (1) ASETF .....                             | 7,097,000 |                   |            |
| (2) Federal and Local Funds ....            |           | <u>25,742,711</u> |            |
| Total Rehabilitation Services Program ..... | 7,097,000 | 25,742,711        | 32,839,711 |
| (k) Hemophilia Program .....                |           |                   | 300,000    |

## SOURCE OF FUNDS:

|  |                |  |           |
|--|----------------|--|-----------|
| (1) ASETF .....  | <u>300,000</u> |  |           |
| Total Hemophilia Program .....                             | 300,000        |  | 300,000   |
| (As provided for under Act 1181,<br>1975 Regular Session.) |                |  |           |
| (1) Homebound Program .....                                |                |  | 2,900,000 |

## SOURCE OF FUNDS:

|   |                  |  |           |
|---|------------------|--|-----------|
| (1) ASETF .....   | <u>2,900,000</u> |  |           |
| Total Homebound Program .....   | 2,900,000        |  | 2,900,000 |
| (The above appropriation is to be<br>expended in accordance with Act<br>No. 109, Third Special, 1975, ap-<br>proved May 1, 1975.) |                  |  |           |
| (m) Disability Determination for<br>Social Security Program .....   |                  |  | 7,549,812 |

## SOURCE OF FUNDS:

|   |  |                  |           |
|---|--|------------------|-----------|
| (1) Federal and Local Funds ....                                    |  | <u>7,549,812</u> |           |
| Total Disability Determination for<br>Social Security Program ..... |  | 7,549,812        | 7,549,812 |
| (n) Crippled Children Services<br>Program .....                     |  |                  | 6,742,190 |

## SOURCE OF FUNDS:

|   |           |                  |           |
|---|-----------|------------------|-----------|
| (1) ASETF .....                                   | 3,979,690 |                  |           |
| (2) Federal and Local Funds ....                  |           | <u>2,762,500</u> |           |
| Total Crippled Children Services<br>Program ..... | 3,979,690 | 2,762,500        | 6,742,190 |
| (o) Manpower Development and<br>Employment .....  |           |                  | 5,894,844 |

The proposed spending plan for the  
above is as follows:

|  |         |
|--|---------|
| Operation & Maintenance of De-<br>partment ..... | 17,958  |
| Comprehensive Employment &<br>Training .....     | 484,000 |



## Source of Funds:

|   |         |                  |           |
|---|---------|------------------|-----------|
| (1) ASETF .....   | 501,958 |                  |           |
| (2) Federal and Local Funds ....  |         | <u>5,392,886</u> |           |
| Total Manpower Development and<br>Employment Opportunities Pro-<br>gram ..... | 501,958 | 5,392,886        | 5,894,844 |
| (p) Planning and Coordination<br>Services Program .....                       |         |                  | 180,000   |

The proposed spending plan for the  
above is as follows:

Southern Regional Educational  
Board ..... 180,000

## SOURCE OF FUNDS:

|   |                |  |         |
|---|----------------|--|---------|
| (1) ASETF .....   | <u>180,000</u> |  |         |
| Total Planning & Coordination<br>Services Program ..... | 180,000        |  | 180,000 |
| (q) Support of State Universities<br>Program .....      |                |  | 10,000  |

The proposed spending plan for the  
above is as follows:

Education of Dependents of Blind  
Parents ..... 10,000

## SOURCE OF FUNDS:

|  |               |  |        |
|--|---------------|--|--------|
| (1) ASETF .....                                      | <u>10,000</u> |  |        |
| Total Support of State Universities<br>Program ..... | 10,000        |  | 10,000 |

(For reimbursement of every State  
Institution of Higher Learning,  
College, University, or State  
Trade School or Junior College,  
in which benefits are given to de-  
pendents of blind parents under  
the provisions of Act No. 281,  
1966 Special Session.)

|  |  |  |           |
|--|--|--|-----------|
| (r) Emergency Medical Service<br>Education Program ..... |  |  | 1,500,000 |
|--|--|--|-----------|

To be distributed by the Depart-  
ment of Education as follows:

|   |         |  |  |
|---|---------|--|--|
| (1) West Alabama Emergency<br>Medical Services, Inc. ....                 | 307,000 |  |  |
| (2) Birmingham Regional Emer-<br>gency Medical Services Sys-<br>tem ..... | 292,000 |  |  |
| (3) North Alabama Emergency<br>Medical Services, Inc. ....                | 277,000 |  |  |

|  |         |
|--|---------|
| (4) Southeast Alabama Emergency Medical Services Systems, Inc. . | 277,000 |
| (5) East Alabama Emergency Medical Services, Inc. ....           | 227,000 |
| (6) Southwest Alabama Emergency Medical Services Council, Inc. . | 120,000 |

The amounts herein appropriated shall be used for the operation and maintenance of the various medical services programs named and for the purchase of instructional supplies and instructional equipment for such programs.

#### SOURCE OF FUNDS:

|   |                  |           |
|---|------------------|-----------|
| (1) ASETF .....   | <u>1,500,000</u> |           |
| Total Emergency Medical Service Education Program ..... | 1,500,000        | 1,500,000 |

#### SOURCE OF FUNDS:

|                                  |            |                    |             |
|----------------------------------|------------|--------------------|-------------|
| (1) ASETF .....                  | 83,634,548 |                    |             |
| (2) Federal and Local Funds .... |            | <u>235,409,240</u> |             |
| Total Department of Education .. | 83,634,548 | 235,409,240        | 319,043,788 |

#### 5. Examiners of Public Accounts

|  |  |  |           |
|--|--|--|-----------|
| (a) Legislative Support-Audit Services Program ..... |  |  | 1,000,000 |
|--|--|--|-----------|

For purposes of auditing all phases of public education.

#### SOURCE OF FUNDS:

|  |                  |  |           |
|--|------------------|--|-----------|
| (1) ASETF .....                          | <u>1,000,000</u> |  |           |
| Total Examiners of Public Accounts ..... | 1,000,000        |  | 1,000,000 |

#### 6. Alabama School of Fine Arts

|                             |  |  |         |
|-----------------------------|--|--|---------|
| (a) Fine Arts Program ..... |  |  | 891,855 |
|-----------------------------|--|--|---------|

#### SOURCE OF FUNDS:

|                                   |         |               |         |
|-----------------------------------|---------|---------------|---------|
| (1) ASETF .....                   | 800,000 |               |         |
| (2) Federal and Local Funds ....  |         | <u>91,855</u> |         |
| Total Alabama School of Fine Arts | 800,000 | 91,855        | 891,855 |

#### 7. Alabama Firefighters' Personnel Standards and Education Commission

|  |  |  |         |
|--|--|--|---------|
| (a) Professional and Occupational Licensing & Regulation Program ..... |  |  | 150,000 |
|--|--|--|---------|

## SOURCE OF FUNDS:

|  |                |         |
|--|----------------|---------|
| (1) ASETF .....  | <u>150,000</u> |         |
| Total Alabama Firefighters' Personnel Standards and Education Commission ..... | 150,000        | 150,000 |

## 8. Health Department

|   |  |         |
|---|--|---------|
| (a) Health Support Services Program ..... |  | 500,000 |
|---|--|---------|

For immunization of pre-school children and students and for public school food sanitation

|   |  |         |
|---|--|---------|
| (b) For the Division of Maternal and Child Health ..... |  | 200,000 |
|---|--|---------|

(Provided, however, that the above appropriation shall be expended only for the development of a perinatal program whose expenditure guidelines shall be developed in conjunction with the Perinatal Advisory Committee of the State Committee of Public Health. Such guidelines shall be comprehensive enough to serve as a statewide perinatal plan in meeting Federal matching requirements.)

## Source of Funds:

|                               |                |         |
|-------------------------------|----------------|---------|
| (1) ASETF .....               | <u>700,000</u> |         |
| Total Health Department ..... | 700,000        | 700,000 |

## 9. Commission on Higher Education

|  |  |           |
|--|--|-----------|
| (a) Planning & Coordination Services Program and Support of Other Educational Activities Program ..... |  | 2,075,830 |
|--|--|-----------|

## SOURCE OF FUNDS:

|  |         |                  |
|--|---------|------------------|
| (1) ASETF .....                            | 800,000 |                  |
| (2) Federal and Local Funds ....           |         | <u>1,275,830</u> |
| Total Commission on Higher Education ..... | 800,000 | 1,275,830        |
|  |         | 2,075,830        |

No salary of any employee of the Commission shall exceed the salary paid to the State Superintendent of Education.)

(To be expended in accordance with  
Act No. 14, 1969 Special Session.)

10. Alabama Board of Nursing:

|  |         |
|--|---------|
| (a) Professional and Occupational<br>Licensing and Regulation Pro-<br>gram ..... | 542,891 |
|--|---------|

SOURCE OF FUNDS:

|  |        |                |         |
|--|--------|----------------|---------|
| (1) ASETF as provided in Act No.<br>68, 1977 Special Session. Schol-<br>arships for Graduate Nurses ..                       | 57,000 |                |         |
| (2) Alabama Board of Nursing<br>Trust Fund as provided in Title<br>34, Chapter 21, Code of Alabama<br>1975, as amended ..... |        | <u>485,891</u> |         |
| Total Alabama Board of Nursing   | 57,000 | 485,891        | 542,891 |

11. Alabama Historical Commis-  
sion

|   |         |
|---|---------|
| (a) Historical Resource Manage-<br>ment Program ..... | 100,000 |
|---|---------|

SOURCE OF FUNDS:

|  |                |         |
|--|----------------|---------|
| (1) ASETF .....                                | <u>100,000</u> |         |
| Total Alabama Historical Commis-<br>sion ..... | 100,000        | 100,000 |

12. Alabama Industrial Develop-  
ment Training Institute

|                                   |           |
|-----------------------------------|-----------|
| (a) Industrial Training Program . | 1,885,752 |
|-----------------------------------|-----------|

SOURCE OF FUNDS:

|   |                  |           |
|---|------------------|-----------|
| (1) ASETF .....   | <u>1,885,752</u> |           |
| Total Alabama Industrial Develop-<br>ment Training Inst. .... | 1,885,752        | 1,885,752 |

13. Junior College School System

|   |            |
|---|------------|
| (a) Academic Instruction and In-<br>stitutional Support Program ... | 69,648,063 |
|---|------------|

SOURCE OF FUNDS:

|   |            |                   |            |
|---|------------|-------------------|------------|
| (1) ASETF .....   | 41,350,000 |                   |            |
| (2) Federal and Local Funds .....                                     |            | 9,050,476         |            |
| (3) State Funds .....   |            | 245,787           |            |
| (4) Other Funds .....   |            | <u>19,001,800</u> |            |
| Total Academic Instruction and In-<br>stitutional Support Program ... | 41,350,000 | 28,298,063        | 69,648,063 |

For operation and maintenance of the Junior Colleges listed below to be distributed on a formula adopted by the State Board of Education.

\$200,000.00 to each junior college listed below. The remainder of the

appropriation is to be allotted to each such junior college in accordance with its percentage of the total credit hours attempted for the four quarters of the school year 1977-78 by all such junior colleges. Continuing education unit hours shall be excluded from the computations herein required.

(The above appropriation is to be distributed to the following Junior Colleges: (1) Alexander City State Junior College; (2) S. D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George Corley Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace Community College at Hanceville.)

Of the above appropriations contained herein in Section 3, paragraph A-14 not more than the sum of \$300,000 may be used by the State Board of Education for administration of the state junior college program.

Of the amount herein appropriated above for the fiscal year ending September 30, 1979, the following salary increases, in addition to salary now received and all salary increments due, shall be granted by ranks to all full-time instructors, librarians and counselors: Rank I/B & C not less than one thousand one hundred thirty dollars (\$1,130) per annum; Rank I/A not less than one thousand two hundred forty-five dollars (\$1,245) per annum; Rank II not less than one thousand three hundred sixty dollars (\$1,360) per annum; Rank III not less than one thousand four hundred seventy-five dollars (\$1,475) per annum; Rank IV not less than one thousand five hundred ninety dollars (\$1,590) per annum for the regular academic year. Persons employed for ten, eleven, or twelve months shall receive an additional pro rata salary increase."

Of the amount herein appropriated above for this fiscal year ending September 30, 1979, the following salary increases in addition to salary now received and all salary increments due, shall be granted by ranks to all full-time professional staff that are not classified as an instructor, counselor or librarian; a salary increase equal to the same percentage increase of their present salaries as the percentage salary increase that the instructors, counselors and librarians will receive to their present salary.

#### 14. Alabama Law Institute

|  |         |
|--|---------|
| (a) Support of Other Educational<br>Activities Program ..... | 189,000 |
|--|---------|

#### SOURCE OF FUNDS:

|                                  |         |         |
|----------------------------------|---------|---------|
| (1) ASETF .....                  | 189,000 |         |
| Total Alabama Law Institute .... | 189,000 | 189,000 |

#### 15. Legislature

|   |           |
|---|-----------|
| (a) Legislative Operations & Sup-<br>port Program ..... | 1,500,000 |
|---|-----------|

## SOURCE OF FUNDS:

|  |                  |  |           |
|--|------------------|--|-----------|
| (1) ASETF .....                          | <u>1,500,000</u> |  |           |
| Total Legislature .....                  | 1,500,000        |  | 1,500,000 |
| 16. Public Library Service               |                  |  |           |
| (a) Public Library Service Program ..... |                  |  | 4,079,066 |

## SOURCE OF FUNDS:

|  |           |                  |           |
|--|-----------|------------------|-----------|
| (1) ASETF .....  | 3,000,000 |                  |           |
| (2) ASETF for equipment purchases for physically handicapped and blind ..... | 47,000    |                  |           |
| (3) Federal and Local Funds ....   |           | <u>1,032,066</u> |           |
| Total Public Library Services ....   | 3,047,000 | 1,032,066        | 4,079,066 |
| 17. Marine Environmental Sciences Consortium                                 |           |                  |           |
| (a) Support of other Educational Activities Program .....                    |           |                  | 778,750   |

## SOURCE OF FUNDS:

|   |         |                |         |
|---|---------|----------------|---------|
| (1) ASETF .....   | 568,750 |                |         |
| (2) Federal and Local Funds ....                          |         | 60,000         |         |
| (3) University of Alabama .....                           |         | <u>150,000</u> |         |
| Total Marine Environmental Sciences Consortium .....      | 568,750 | 210,000        | 778,750 |
| 18. Medical Scholarships Board                            |         |                |         |
| (a) Support of other Educational Activities Program ..... |         |                | 555,000 |

## SOURCE OF FUNDS:

|   |                |  |         |
|---|----------------|--|---------|
| (1) ASETF .....   | <u>555,000</u> |  |         |
| Total Medical Scholarship Board   | 555,000        |  | 555,000 |
| (To be expended under the provisions of Act No. 663, 1977 Regular Session.) |                |  |         |

## 19. Minimum Program

|                                  |  |  |             |
|----------------------------------|--|--|-------------|
| (a) Financial Assistance Program |  |  | 585,999,694 |
|----------------------------------|--|--|-------------|

## SOURCE OF FUNDS:

|   |             |                  |             |
|---|-------------|------------------|-------------|
| (1) ASETF .....   | 562,323,209 |                  |             |
| (2) Public School Fund .....                                |             | 19,000,000       |             |
| (3) Local Effort .....                                      |             | <u>4,676,485</u> |             |
| Total Minimum Program Fund ..                               | 562,323,209 | 23,676,485       | 585,999,694 |
| (aa) To be distributed by the State Board of Education for: |             |                  |             |

|                                |             |
|--------------------------------|-------------|
| Local Boards .....             | 485,910,244 |
| Board of Adjustment            |             |
| Awards .....                   | 130,000     |
| Teachers Sick Leave ..         | 3,890,178   |
| Teachers Personal              |             |
| Leave .....                    | 1,296,726   |
| Hospital-Medical Insurance As- |             |
| sistance .....                 | 9,427,961   |
| Funds to Replace               |             |
| Fees .....                     | 11,441,700  |
| Maintenance .....              | 6,000,000   |
| Sick Leave for Support Person- |             |
| nel .....                      | 800,000     |
| Additional for Special Educa-  |             |
| tion .....                     | 25,550,000  |
| Salary Increases for Lunchroom |             |
| Workers .....                  | 7,747,000   |
| Insurance for Support          |             |
| Staff .....                    | 6,300,000   |
| Libraries .....                | 3,809,400   |

The Minimum Program Fund, which in accordance with the statutes and regulations of the State Board of Education relating to the expenditure of such funds, shall be used for providing a minimum term and for the equalization of educational opportunity in the public schools of the State. Provided further, that in no case shall a term of less than nine months in tax districts be approved, except that the State Board of Education, upon the recommendation of the State Superintendent of Education shall be authorized to make full allotments of funds to any school system for the time actually taught, if in the judgement of the State Superintendent of Education and the State Board of Education unusual conditions beyond the control of the local Board of Education in any school are such as to prevent the operation of that school for the required nine months minimum term; provided further, that the amount herein appropriated for the Minimum Program Fund shall include all monies earmarked for public school teachers' salaries as provided in the Income Tax amendment ratified on the 26th day of August, 1947. The Minimum Program Fund shall also include any other appropriations of funds either State or Federal, which may be designated by the Legislature as a part of the Minimum Program Fund.

(bb) Of the total teacher units provided for exceptional children, twenty-five (25) may be used in early education programs for exceptional children and twenty-five (25) may be used in regional multi-systems, and/or state-wide programs for exceptional children. In addition to the regular units allocated in the Minimum Program, the same number of teacher units as provided for the school year 1977-78, six hundred fifty (650) are provided for the reduction of the class size in grades 1-6. The Alabama Education Study Commission and the State Department of Education shall have the authority to insure that the intent of the Legislature is implemented.

All special education units other than the early childhood and multi-system units, and units to reduce the number of pupils in grades 1-6 shall be

allocated to local school systems on the basis of enrollment. Units earned by a system on this basis which are not used by such system may not be reallocated to other systems except those units necessary to guarantee school systems not less than the number of units allocated to them during the 1977-78 school year. In addition to the three thousand two hundred fifty (3,250) special units now provided through the minimum program, there is hereby provided the sum of 25 million, five hundred and fifty thousand dollars (\$25,550,000) to be used in the area of special education. The funds to provide for this program are included under the programmatic appropriations of Section 20 (aa) Minimum Program and the wording in this section (bb) is for explanation purposes only and is not intended to be construed to be a second funding. Of the \$25,550,000 for Special Education, \$1,037,733 shall be earmarked for Vocational Education for the Handicapped to meet matching requirements of Federal legislation (P.L. 94-482). The remaining funds of this category shall be allocated by the State Board of Education on a formula developed by the State Superintendent of Education and his staff. Each local board of education shall submit a proposal to the State Superintendent of Education for the use of funds allocated to its system which must be approved by the State Superintendent of Education before such funds are disbursed. The proposals may include, but are not limited to, any or all of the following: (1) Additional teachers, (2) Teacher Aides, (3) Materials, supplies and instructional equipment, (4) Modifications and renovations of buildings (including eliminations of architectural barriers).

Job descriptions and qualifications of teacher aides shall be determined by the State Superintendent of Education. Also, none of the teacher unit positions may be filled by teachers not certified as qualified Special Education teachers.

The State Superintendent, through his staff, shall monitor programs to assure that the purposes for which these funds are provided are carried out on the approved plan.

In addition to the above appropriation to exceptional children there is hereby appropriated \$5,000,000 which is conditional upon the condition of the Alabama Special Education Trust Fund and upon approval of the Governor.

Three hundred eighty (380) additional kindergarten units are herewith provided for the phasing in of the kindergarten program during the specified fiscal year and shall be dispersed with the kindergarten teacher units being at least equal to the amount received by the respective local school boards during the preceding fiscal year. In addition thereto, all local school boards shall receive all kindergarten teacher units now supplied by federal funds if these programs continue to be federally funded,

(cc) Three hundred dollars (\$300) per teacher unit for grades K-12 is herein above appropriated to the State Board of Education for all teachers employed (except ESEA Title I, Title III and Title IV teachers and ESAA teachers) and shall be allocated to each county and city board of education for the purchase of instructional supplies, materials, and equipment, excluding furniture and fixtures. From the funds provided herein above, each local county and city board of education shall allocate to the schools in their respective systems an amount based on \$300 for each teacher unit assigned to each school. With each faculty member being given an opportunity for input, the faculty and principal shall cooperatively develop a budget for instructional supplies and materials and, by majority vote, approve a budget for the



school. At least one-half of this amount shall be available for each teacher for materials and supplies for that teacher's students; provided, however, any teacher may sign a waiver releasing said funds for joint purchases within the school. No board of education shall withhold from any school any funds to which they are entitled under the provisions of this Act. Based on this budget, the faculty shall submit to the superintendent the amount to be allotted to each teacher to be spent for agreed upon items and other amounts to be used for the common good of all for the operation of the instructional program within the school. The local school board shall issue requisitions for purchases from these funds and shall issue purchase orders and handle all financial transactions in compliance with this section. It is the intent of the legislature that no fees shall be collected in the future in courses required for graduation. In courses not required for graduation, local school boards may set reasonable fees for courses requiring laboratory and shop materials and equipment; provided, however, such fees shall be waived for students who cannot afford to pay the fees. Any funds collected in fees shall be spent on the course for which the fee was levied. This section shall not be construed to prohibit community groups or clubs from fund raising activities; provided, however, that students shall not be required to participate in such fund raising activities. Any funds provided herein not expended during the fiscal year shall revert to the Alabama Special Educational Trust Fund.

(dd) It is provided that in addition to all units earned by the local school system under the Minimum program Fund calculation one (1) extra unit or fraction thereof shall be awarded for each aggregate of fifteen (15) units or fraction thereof earned in said Minimum Program Fund calculation on regular units. The local school system shall assign to each school within the system at least the number of teacher units earned by that school using the Minimum Program Fund calculation and the additional units earned through the one (1) to fifteen (15) ratio as set forth herein. No school system may reduce the amount of money expended from local funds for teachers during the school year 1977-78 except in instances where all schools within the system are accredited or have met every requirement of accreditation with respect to teacher/pupil ratios or that where there has been a decrease in school population to justify such reduction. The local school system shall furnish the State Department of Education and the Education Study Commission such information as may be necessary to determine that the provisions of this section have been implemented. These agencies shall jointly report to the State Board of Education the implementation of the above provisions by December 31, 1978 and to the Legislature by the first legislative day of the next regular session.

(ee) The appropriation hereinabove made to the Minimum Program Fund provides for two (2) days personal leave at \$17.00 per teacher unit for each teacher employed (except ESEA Title I, Title III and Title IV teachers and ESAA teachers) to be granted upon request of the teacher and administered by the State Board of Education and by local school boards under procedures governing sick leave for the fiscal year ending September 30, 1979.

(ff) Of the appropriation hereinabove made to the Minimum Program, there is hereby appropriated the sum of two hundred forty-seven dollars and twenty cents (\$247.20) per annum per teacher, administrative, or supervisory unit as located under the Minimum Program, Vocational Education Program and any other units paid from State or local funds to provide hospital-medical insurance assistance. No portion of the funds herein appropriated for employee hospital-medical insurance may be used to pay

premiums for any group insurance policy that is available only to members of any private organization.

Provided, further, that any professional employee eligible for hospital-medical assistance who may be subject to coordination of benefits because of their coverage for hospital-medical assistance by carrier other than those selected under this Act, be protected from such coordination of benefits to the extent provided by regulation #56 of Alabama Department of Insurance. It being the intent of this appropriation to provide hospital-medical insurance assistance to those qualified professional employees in the amount set forth in this appropriation and such insurance coverage not to be subject to coordination of benefits.

The funds hereinabove shall be made available to local boards of education with a majority of the local participating professional employees selecting the plan(s) and the carrier(s) of the hospital-medical insurance in that system. Any funds not used in the fiscal year shall revert to the Alabama Special Educational Trust Fund.

(gg) Of the appropriation hereinabove made to the Minimum Program there is hereby appropriated the sum of two hundred forty-seven dollars and twenty cents (\$247.20) per annum per full-time support person (defined in sub-section ii) employed by any local board of education or by any school under the local board's jurisdiction to provide hospital-medical insurance assistance, provided however that only adult school bus drivers are included and coverage is not included for student school bus drivers.

Provided, further, than any employee eligible for hospital-medical assistance who may be subject to coordination of benefits because of their coverage for hospital-medical assistance by carrier other than those selected under this Act, be protected from such coordination of benefits to the extent provided by regulation #56 of Alabama Department of Insurance. It being the intent of this appropriation to provide hospital-medical insurance assistance to those qualified employees in the amount set forth in this appropriation and such insurance coverage not to be subject to coordination of benefits.

The funds hereinabove shall be made available to local boards of education with a majority of the local participating support personnel selecting the plan(s) and the carrier(s) of the hospital-medical insurance in that system. Any funds not used in the fiscal year shall revert to the Alabama Special Educational Trust Fund.

(hh) In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

The amount necessary for the payment of Board of Adjustment awards in accordance with the Minimum Program statutes and regulations.

For "Other Current Expenses" a sum not to exceed \$2,204.75 for each earned teacher unit.

For Principal Supplement the sum shall not exceed \$100.00 for each earned teacher unit.

For Capital Improvements the sum shall not exceed \$64.87 for each earned teacher unit.

Sick leave days shall be paid at the rate of not more than \$17.00 per day.

The salary allotment shall be made in accordance with the schedule set out hereinabove.

The above appropriation contained in sub-section (a) Local Boards shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of \$38,066,490.00.

The appropriation hereinabove set out for the fiscal year 1978-79 is based on 31,736 teacher units.

It is provided in the event there are more than 31,736 earned teacher units for the fiscal year 1978-79, then such amounts as are necessary to pay for these excess teacher units is hereby appropriated.

It is further provided that in the event that there be less earned teacher units than those set out above than the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid. The appropriations hereinabove made for maintenance is to be allocated for repairs and renovation of the various school systems based on an earned teacher unit basis.

(ii) It is provided that from the appropriation hereinabove made the State Board of Education shall provide beginning with the fiscal year ending September 30, 1979, that in addition to all salary now received and all local increments due, all teachers under the Minimum Program shall receive salary increases as follows:

Teachers holding Rank "AA" certificates not less than one thousand three hundred sixty dollars (\$1,360) per annum; Rank I teachers not less than one thousand two hundred forty-five dollars (\$1,245) per annum; Rank II teachers not less than one thousand one hundred thirty dollars (\$1,130) per annum; Rank III teachers not less than one thousand fifteen dollars (\$1,015) per annum; Rank IV teachers not less than nine hundred dollars (\$900) per annum. These increases are for teachers with one hundred eighty-day contracts. Additional pro rata salary increases shall be granted for teachers whose contracts extend beyond one hundred eighty days. All teachers employed from funds other than the Minimum Program shall receive equal compensation based upon the rank of certificate. Any county or city board of education failing to comply herewith shall not be entitled to share in the Minimum Program.

In addition to all salary now received and all local increments due for the 1978-79 school year, all full-time employees of city and county boards of education and all full-time employees in the school under their jurisdiction with the exception of those persons listed on the official Teachers' Institute List shall receive a salary increase of not less than five hundred dollars (\$500) per annum for nine months employment.

Personnel employed for more than nine months shall receive additional pro rata increases. Full-time support personnel shall be defined as those support personnel working at least six hours per day. Those support personnel working less than six hours per day shall receive pro rata increases based on the number of hours worked per day. All adult school bus drivers shall receive a salary increase of not less than five hundred dollars (\$500) per annum and all student school bus drivers shall receive a salary increase of not less than three hundred dollars (\$300) per annum and any county or city

board of education failing to comply herewith shall not be entitled to share in the Minimum Program Fund.

Each local board of education shall have the following options as to how the salary increases shall be distributed:

- 1) Across the currently used pay periods for the school year or
- 2) Across the summer months payable in equal installments.

(jj) From the appropriation distributed by the State Board of Education for libraries, each public school system of the state shall receive \$5.00 per student enrolled for 1978. This appropriation shall be expended under rules and regulations approved by the State Board of Education.

(kk) The \$800,000 appropriated in Section 20, (aa) is to provide sick leave for support personnel in accordance with Act No. 208, 1977 Regular Session of the Alabama Legislature.

20. Alabama Occupational Information System

(a) Employment and Social Opportunities Program ..... 590,051

SOURCE OF FUNDS:

|   |         |                |         |
|---|---------|----------------|---------|
| (1) ASETF .....                                     | 200,000 |                |         |
| (2) Federal and Local Funds ....                    |         | <u>390,051</u> |         |
| Total Alabama Occupational Information System ..... | 200,000 | 390,051        | 590,051 |

21. Alabama Peace Officers Standards and Training Commission

(a) Professional and Occupational Licensing and Regulation Program ..... 80,000

(b) Certified Law Enforcement Academy Programs ..... 246,200

Jacksonville State University ..... 61,550

University of Alabama ... 61,550

James H. Faulkner Jr. Col. 61,550

Troy State Univ. Montg. . 61,550

SOURCE OF FUNDS:

|  |                |  |         |
|--|----------------|--|---------|
| (1) ASETF .....  | <u>326,200</u> |  |         |
| Total Alabama Peace Officers Standards and Training Com. . | 326,200        |  | 326,200 |

22. Commission on Physical Fitness

(a) Advisory Services Program .. 75,000

SOURCE OF FUNDS:

|                 |               |  |  |
|-----------------|---------------|--|--|
| (1) ASETF ..... | <u>75,000</u> |  |  |
|-----------------|---------------|--|--|

|  |            |                   |            |
|--|------------|-------------------|------------|
| Total Commission on Physical Fitness .....   | 75,000     |                   | 75,000     |
| 22. Post-Secondary Vocational-Technical Education System   |            |                   |            |
| (a) Instructional and Institutional Support Program .....  |            |                   | 47,972,443 |
| Source of Funds:   |            |                   |            |
| (1) ASETF .....  | 34,451,521 |                   |            |
| (2) Federal and Local Funds ....   |            | 815,457           |            |
| (3) Other Funds .....  |            | <u>12,705,465</u> |            |
| Total Post-Secondary Vocational-Technical Education System ...   | 34,451,521 | 13,520,922        | 47,972,443 |
| For the operations and maintenance of the Vocational Technical Schools listed below, to be distributed in accordance with a formula adopted by the State Board of Education. |            |                   |            |

(The above appropriation is to be distributed to the following Vocational-Technical Schools: (1) Atmore State Technical Institute; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College—Technical Branch; (7) Carver State Technical Trade School; (8) J. F. Drake State Technical School; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Vocational School; (12) Theodore A. Lawson State Community College—Technical Branch; (13) Douglas McArthur State Technical College; (14) Muscle Shoals Technical Institute; (15) Northwest Alabama State Technical College; (16) N. F. Nunnelley State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncey Sparks State Technical College; (23) Council Trenholm State Technical College; (24) Tuscaloosa State Technical College; (25) Walker County State Trade School; (26) George Corley Wallace State Community College—Technical Branch (Selma); (27) George C. Wallace State Community College—Technical Branch (Dothan); (28) George C. Wallace State Technical Community College (Hanceville).

Of the amount herein appropriated above for this fiscal year ending September 30, 1979, the following salary increases in addition to salary now received and all salary increments due, shall be granted by ranks to all full-time professional staff that are not classified as an instructor, counselor or librarian; a salary increase equal to the same percentage increase of their present salaries as the percentage salary increase that the instructors, counselors and librarians will receive to their present salary.

Of the amount appropriated above for the fiscal year ending September 30, 1979, the following salary increases shall be granted by ranks in addition to salary now receive and all salary increments due to all full-time Instructors, Librarians and Counselors: Rank I/B & C not less than one thousand five

hundred seven dollars (\$1,507) per annum, Rank I/A not less than one thousand six hundred sixty dollars (\$1,660) per annum; Rank II not less than one thousand eight hundred thirteen dollars (\$1,813) per annum; Rank III not less than one thousand nine hundred sixty-seven dollars (\$1,967) per annum; Rank IV not less than two thousand one hundred twenty dollars (\$2,120) per annum for twelve months employment. The salary schedule for 1978-79 for vocational-technical colleges shall be adjusted by the State Board of Education to make it equal to the salary schedule of junior colleges for appropriate ranks of certificate so that the technical college schedule has five ranks as does the junior college schedule. Personnel at vocational-technical colleges shall receive equity adjustments in their salary based on the new salary schedule in addition to the salary increases provided hereinabove.

The State Board of Education in providing equity salary adjustments for personnel employed in the above named institutions shall place the employees on the same salary level of any new schedule developed in 1978 as the step the employee had achieved on the former schedule.

Of the above appropriations contained herein in Section 3, paragraph 19 not more than the sum of \$300,000 may be used by the State Board of Education for administration of the Vocational-Technical School Program.

#### 24. Social Security

|   |            |
|---|------------|
| (a) For State's share of Social Security, Estimated ..... | 47,259,440 |
|---|------------|

#### SOURCE OF FUNDS:

|                             |            |            |
|-----------------------------|------------|------------|
| (1) ASETF .....             | 47,249,440 |            |
| Total Social Security ..... | 47,249,440 | 47,249,440 |

#### 25. Sports Hall of Fame:

|   |        |
|---|--------|
| (a) Historical Resources Management Program ..... | 21,894 |
|---|--------|

#### Source of Funds:

|  |        |        |
|--|--------|--------|
| (1) ASETF .....                              | -0-    |        |
| (2) Sports Hall of Fame Operating Fund ..... | 21,894 |        |
| Total Sports Hall of Fame .....              | -0-    | 21,894 |

#### 26. Alabama Education Study Commission

|                                  |         |
|----------------------------------|---------|
| (a) Advisory Services Program .. | 210,000 |
|----------------------------------|---------|

#### Source of Funds:

|  |         |         |
|--|---------|---------|
| (1) ASETF .....                                | 210,000 |         |
| Total Alabama Education Study Commission ..... | 210,000 | 210,000 |

(To be used for educational studies in accordance with Act No. 15, 1969 Special Session.)

27. Teachers' Retirement System  
of Alabama

|  |             |
|--|-------------|
| (a) Retirement Systems Program,<br>Est. .... | 142,396,640 |
|--|-------------|

## Source of Funds:

|  |             |
|--|-------------|
| (1) ASETF-Teachers' Retirement<br>System ..... | 140,297,462 |
|--|-------------|

|   |                  |
|---|------------------|
| (2) ASETF-Teachers' Special Pen-<br>sion Fund ..... | <u>2,099,178</u> |
|---|------------------|

|   |             |             |
|---|-------------|-------------|
| Total Retirement Systems Pro-<br>gram (State's Share) ..... | 142,396,640 | 142,396,640 |
|---|-------------|-------------|

The above appropriation shall be expended in accordance with the statutes and regulations now or hereafter existing relating to the expenditure of such Teachers' Retirement Fund. Provided that any increase in the above appropriations shall be made only after a thorough review and recommendation in writing by the Board of Control of the Retirement System, the Retirement Actuary, and the Budget Officer, and certified by them to the Governor.

## 28. State Tenure Commission

|                              |        |
|------------------------------|--------|
| (a) Regulation Program ..... | 10,000 |
|------------------------------|--------|

## Source of Funds:

|                 |               |
|-----------------|---------------|
| (1) ASETF ..... | <u>10,000</u> |
|-----------------|---------------|

|                                 |        |        |
|---------------------------------|--------|--------|
| Total State Tenure Commission . | 10,000 | 10,000 |
|---------------------------------|--------|--------|

## 29. Educational TV Commission

|  |           |
|--|-----------|
| (a) Educational TV Services Pro-<br>gram ..... | 2,885,000 |
|--|-----------|

|                                  |         |
|----------------------------------|---------|
| (b) Public Radio Service Program | 195,000 |
|----------------------------------|---------|

## Source of Funds:

|                 |           |
|-----------------|-----------|
| (1) ASETF ..... | 2,205,500 |
|-----------------|-----------|

|                                  |                |
|----------------------------------|----------------|
| (2) Federal and Local Funds .... | <u>875,000</u> |
|----------------------------------|----------------|

|                               |           |         |           |
|-------------------------------|-----------|---------|-----------|
| Total Education TV Comm. .... | 2,205,500 | 875,000 | 3,080,500 |
|-------------------------------|-----------|---------|-----------|

## 30. Veterans Education Benefits

|   |           |
|---|-----------|
| (a) Administration of Veterans<br>Affairs Program ..... | 1,350,000 |
|---|-----------|

## Source of Funds:

|                 |                  |
|-----------------|------------------|
| (1) ASETF ..... | <u>1,350,000</u> |
|-----------------|------------------|

|   |              |                  |           |
|---|--------------|------------------|-----------|
| Total Veterans Educational Benefits .....   | 1,350,000    |                  | 1,350,000 |
| The above appropriation includes pro-rata administration costs of the Department of Veteran Affairs and for reimbursement to every State Institution of Higher Learning, College, University, or Junior College, in which benefits are given to veterans, their wives, widows, or children under the provision of Act No. 767, 1965 Reg. Ses. |              |                  |           |
| 31. John M. Will Journalism Scholarship Fund  |              |                  |           |
| (a) Support of other Educational Activities Program .....   |              |                  | 1,000     |
| Source of Funds:  |              |                  |           |
| (1) ASETF .....   | <u>1,000</u> |                  |           |
| Total John M. Will Journalism Scholarship Fund .....  | 1,000        |                  | 1,000     |
| 32. Youth Services  |              |                  |           |
| (a) Youth Services Program .....  |              |                  | 8,596,171 |
| Source of Funds:  |              |                  |           |
| (1) ASETF .....   | 6,911,171    |                  |           |
| (2) Federal and Local Funds .....   |              | <u>1,685,000</u> |           |
| Total Youth Services .....  | 6,911,171    | 1,685,000        | 8,596,171 |
| (To be expended in accordance with Act No. 816. 1973 Reg. Ses.)   |              |                  |           |
| (Of the above appropriation, Fifteen Thousand Dollars (\$15,000) shall be spent for the construction of a chapel on the campus at Mount Meigs.)   |              |                  |           |
| 33. State Department of Public Health   |              |                  |           |
| (a) Emergency Medical Service Education Program .....   |              |                  | 426,750   |
| SOURCE OF FUNDS:  |              |                  |           |
| (1) ASETF .....   | -0-          |                  |           |
| (2) Federal and Local Funds .....   |              | <u>426,750</u>   |           |
| Total State Department of Public Health .....   | -0-          | 426,750          | 426,750   |



## Section 4.

## B. NON-STATE EDUCATIONAL AGENCIES:

1. American Legion Auxiliary Scholarship Fund ..... 3,000

## Source of Funds:

(1) ASETF ..... 3,000

Total American Legion Auxiliary Scholarship Fund ..... 3,000 3,000

2. Birmingham Symphony

(a) Fine Arts Program ..... 95,000

## Source of Funds:

(1) ASETF ..... 95,000

Total Birmingham Symphony ... 95,000 95,000

3. Birmingham Training Center for Brain Injured Children

(a) Non-Institutional Treatment and Care Program ..... 30,000

## Source of Funds:

(1) ASETF ..... 30,000

Total Birmingham Training Center for Brain Injured Children . 30,000 30,000

4. Alabama Shakespeare Festival 12,500

## Source of Funds:

(1) ASETF ..... 12,500

Total Alabama Shakespeare Festival ..... 12,500 12,500

5. East Alabama Regional Child Development Program

(a) Financial Assistance Program 55,373

## Source of Funds:

(1) ASETF .....

(2) Federal and Local Funds .... 55,373

Total East Alabama Regional Child Development Program .. 55,373 55,373

6. Environmental Quality Association

(a) Environmental Education Program ..... 200,000

## Source of Funds:

|   |                |                |         |
|---|----------------|----------------|---------|
| (1) ASETF .....   | <u>200,000</u> |                |         |
| Total Environmental Quality Association .....                           | 200,000        |                | 200,000 |
| 7. Montgomery Institute for Neurological Development                    |                |                |         |
| (a) Non-Institutional Treatment and Care Program .....                  |                |                | 25,000  |
| Source of Funds:  |                |                |         |
| (1) ASETF .....   | <u>25,000</u>  |                |         |
| Total Montgomery Institute of Neurological Development ....             | 25,000         |                | 25,000  |
| 8. Opportunities Industrialization Centers                              |                |                |         |
| (a) Manpower Development and Employment Opportunities Program .....     |                |                | 175,000 |
| Source of Funds:  |                |                |         |
| (1) ASETF .....   | <u>175,000</u> |                |         |
| Total Opportunities Industrialization Centers .....                     | 175,000        |                | 175,000 |
| 9. Sylacauga Nurses Training School                                     |                |                |         |
| (a) Support of Other Educational Activities Program .....               |                |                | 348,984 |
| SOURCE OF FUNDS:  |                |                |         |
| (1) ASETF .....   | 58,000         |                |         |
| (2) Federal and Local Funds ....  |                | 17,500         |         |
| (2) Other Funds .....   |                | <u>273,484</u> |         |
| Total Sylacauga Nurses Training School .....                            | 58,000         | 290,984        | 348,984 |
| (The above includes \$18,000 for Nursing Scholarships.)                 |                |                |         |
| (To be expended in accordance with Act No. 2393, 1971 Regular Session.) |                |                |         |
| 10. Hall of Fame Bowl Game:   |                |                |         |
| (a) Tourism and Travel Promotion  |                |                | 50,000  |
| SOURCE OF FUNDS:  |                |                |         |
| (1) ASETF .....   | <u>50,000</u>  |                |         |
| Total Hall of Fame Bowl Game ..   | 50,000         |                | 50,000  |

Section 5.

COLLEGES, UNIVERSITIES  
AND SCHOOLS

I. Board of Trustees of University  
of Alabama

A. The University

1. Operations & Maintenance, Ex-  
tension, Public Service & Re-  
search:

|  |            |
|--|------------|
| (a) Instruction .....                                  | 21,787,787 |
| (b) Transfers .....                                    | 833,373    |
| (c) Libraries .....                                    | 1,405,171  |
| (d) Academic Support (excl. Libr.)                     | 4,511,867  |
| (e) Student Services .....                             | 1,558,251  |
| (f) Institutional Support .....                        | 6,550,441  |
| (g) Operation & Maintenance of<br>Physical Plant ..... | 5,646,479  |
| (h) Scholarships and Fellowships                       | 648,766    |
| (i) Capital Outlay .....                               | 1,095,259  |
| (j) Debt Service .....                                 | 292,240    |

SOURCE OF FUNDS:

|  |            |                   |            |
|--|------------|-------------------|------------|
| (1) ASETF .....  | 30,923,728 |                   |            |
| (2) Other Sources .....  |            | <u>13,405,906</u> |            |
| Total Operations & Maintenance,<br>Extension, Public Service & Re-<br>search ..... | 30,923,728 | 13,405,906        | 44,329,634 |

2. Extension, Public Service & Re-  
search:

|                          |           |
|--------------------------|-----------|
| (a) Research .....       | 133,829   |
| (b) Public Service ..... | 2,665,090 |
| (c) Capital Outlay ..... | 20,720    |
| (d) Debt Service .....   | 57,364    |
| (e) Transfers .....      | 16,594    |

SOURCE OF FUNDS:

|   |           |                  |           |
|---|-----------|------------------|-----------|
| (1) ASETF .....                                       | 1,850,000 |                  |           |
| (2) Other Sources .....                               |           | <u>1,043,597</u> |           |
| Total Extension, Public Service<br>and Research ..... | 1,850,000 | 1,043,597        | 2,893,597 |

3. Emergency Medical Services  
Paramedic Training:

|                                 |         |
|---------------------------------|---------|
| (For operation and maintenance) |         |
| (a) Public Service .....        | 125,000 |

SOURCE OF FUNDS:

|  |                  |               |
|--|------------------|---------------|
| (1) ASETF .....  | <u>125,000</u>   |               |
| Total Emergency Medical Services   | 125,000          | 125,000       |
| 4. Center for Emotionally Dis-<br>turbed Children:                                     |                  |               |
| (a) Academic Support (excl. Libr.)   |                  | 472,462       |
| (b) Capital Outlay .....   |                  | 2,538         |
| SOURCE OF FUNDS:   |                  |               |
| (1) ASETF .....  | <u>475,000</u>   |               |
| Total Center for Emotionally Dis-<br>turbed Children .....                             | 475,000          | 475,000       |
| 5. Nursing Scholarships:   |                  |               |
| (a) Scholarships and Fellowships   |                  | 18,000        |
| SOURCE OF FUNDS:   |                  |               |
| (1) ASETF .....  | <u>18,000</u>    |               |
| Total Nursing Scholarships .....   | 18,000           | 18,000        |
| 6. School of Mines:  |                  |               |
| (a) Research .....   |                  | 859,000       |
| (b) Public Service .....   |                  | 200,000       |
| (c) Capital Outlay .....   |                  | 150,000       |
| SOURCE OF FUNDS:   |                  |               |
| (1) ASETF .....  | <u>1,209,000</u> |               |
| Total School of Mines .....  | 1,209,000        | 1,209,000     |
| 7. Family Practice Center:   |                  |               |
| (a) Instruction .....  |                  | 312,285       |
| (b) Academic Support (Excl. Libr.)   |                  | 429,360       |
| (c) Capital Outlay .....   |                  | 8,355         |
| SOURCE OF FUNDS:   |                  |               |
| (1) ASETF .....  | <u>750,000</u>   |               |
| Total Family Practice Center ....  | 750,000          | 750,000       |
| 8. Alabama Museum of Natural<br>History—Mound State Park and<br>Archaeological Office: |                  |               |
| (a) Public Service .....   |                  | 182,195       |
| (b) Capital Outlay .....   |                  | 6,705         |
| SOURCE OF FUNDS:   |                  |               |
| (1) ASETF .....  | 150,000          |               |
| (2) Other Sources .....  |                  | <u>38,900</u> |
| Total Alabama Museum of Natural<br>History—Mound State Park and                        |                  |               |

## REGULAR SESSION

1857

|   |           |            |            |
|---|-----------|------------|------------|
| Archaeological .....                                  | 150,000   | 38,900     | 188,900    |
| 9. College of Community Health Sciences:              |           |            |            |
| (a) Instruction .....                                 |           |            | 1,515,047  |
| (b) Libraries .....                                   |           |            | 135,377    |
| (c) Academic Support (excl. Libr.) .....              |           |            | 409,836    |
| (d) Operation & Maintenance of Physical Plant .....   |           |            | 169,412    |
| (e) Capital Outlay .....                              |           |            | 30,314     |
| SOURCE OF FUNDS:                                      |           |            |            |
| (1) ASETF .....                                       | 2,154,986 |            |            |
| (2) Other Sources .....                               |           | 105,000    |            |
| Total College of Community Health Sciences .....      | 2,154,986 | 105,000    | 2,259,986  |
| 10. Auxiliary Enterprises:                            |           |            |            |
| (a) Scholarships and Fellowships .....                |           |            | 421,679    |
| (b) Capital Outlay .....                              |           |            | 37,652     |
| (c) Auxiliary Enterprises .....                       |           |            | 10,517,791 |
| (d) Debt Service .....                                |           |            | 1,457,481  |
| (e) Transfer to Plant Funds .....                     |           |            | 526,900    |
| SOURCE OF FUNDS:                                      |           |            |            |
| (1) Other Sources .....                               |           | 12,961,503 |            |
| Total Auxiliary Enterprises .....                     |           | 12,961,503 | 12,961,503 |
| 11. Restricted Funds:                                 |           |            |            |
| (a) Instruction .....                                 |           |            | 6,310,584  |
| (b) Research .....                                    |           |            | 1,120,746  |
| (c) Public Service .....                              |           |            | 934,713    |
| (d) Academic Support (excl. Libr.) .....              |           |            | 79,116     |
| (e) Student Services .....                            |           |            | 102,883    |
| (f) Institutional Support .....                       |           |            | 308,817    |
| (g) Operation and Maintenance of Physical Plant ..... |           |            | 138,348    |
| (h) Scholarships and Fellowships .....                |           |            | 795,308    |
| (i) Capital Outlay .....                              |           |            | 347,637    |
| SOURCE OF FUNDS:                                      |           |            |            |
| (1) State Funds .....                                 |           | 3,185,481  |            |
| (2) Federal Funds .....                               |           | 5,692,671  |            |
| (3) Other Sources .....                               |           | 1,260,000  |            |
| Total Restricted Funds .....                          |           | 10,138,152 | 10,138,152 |
| 12. Gadsden Cooperative Upper Division Program:       |           |            |            |

|   |                |               |                |
|---|----------------|---------------|----------------|
| (a) Instruction .....   |                |               | 267,168        |
| (b) Capital Outlay .....  |                |               | 15,992         |
| SOURCE OF FUNDS:  |                |               |                |
| (1) ASETF .....   | 193,189        |               |                |
| (2) Other Sources .....   |                | <u>89,971</u> |                |
| Total Gadsden Cooperative Upper<br>Division Program .....       | 193,189        | 89,971        | 283,160        |
| 13. Rural Infant Development En-<br>vironment Program .....     |                |               | 125,000        |
| SOURCE OF FUNDS:  |                |               |                |
| (1) ASETF .....   | <u>125,000</u> |               |                |
| Total Rural Infant Development<br>Program .....                 | 125,000        |               | 125,000        |
| 14. Gorgas Home Operations and<br>Maintenance of Physical Plant |                |               | 12,000         |
| SOURCE OF FUNDS:  |                |               |                |
| (1) ASETF .....   | <u>12,000</u>  |               |                |
| Total Gorgas Home .....   | 12,000         |               | 12,000         |
| 15. Vocational Teaching Training                                |                |               | 340,057        |
| SOURCE OF FUNDS:  |                |               |                |
| (1) ASETF .....   | <u>340,057</u> |               |                |
| Total Vocational Teacher Training                               | <u>340,057</u> |               | <u>340,057</u> |
| TOTAL UNIVERSITY OF ALA-<br>BAMA .....                          | 38,325,960     | 37,783,029    | 76,108,989     |
| B. University of Alabama in Bir-<br>mingham                     |                |               |                |
| 1. School of Medicine:  |                |               |                |
| (a) Instruction .....   |                |               | 14,013,030     |
| (b) Research .....  |                |               | 17,975,212     |
| (c) Public Service .....  |                |               | 5,638,999      |
| (d) Libraries .....   |                |               | 264,132        |
| (e) Academic Support (excl. Libr.)                              |                |               | 1,361,489      |
| (f) Student Services .....                                      |                |               | 401,368        |
| (g) Institutional Support .....                                 |                |               | 2,924,249      |
| (h) Operation & Maintenance of<br>Physical Plant .....          |                |               | 3,596,996      |
| (i) Scholarships and Fellowships                                |                |               | 115,000        |
| (j) Capital Outlay .....  |                |               | 900,000        |
| (k) Equipment—Other than Au-                                    |                |               |                |

|  |         |
|--|---------|
| tomotive (For Cavitron Laser Machine) .....            | 70,000  |
| (l) Training on Special Cancer Detection Machine ..... | 45,000  |
| (m) Debt Service .....                                 | 724,221 |
| (n) Hyperthermia Program .....                         | 109,000 |

## SOURCE OF FUNDS:

|                                |            |                  |            |
|--------------------------------|------------|------------------|------------|
| (1) ASETF .....                | 16,199,000 |                  |            |
| (2) State Funds .....          |            | 1,550,000        |            |
| (3) Federal Funds .....        |            | 22,400,000       |            |
| (4) Local Funds .....          |            | 550,000          |            |
| (5) Other Sources .....        |            | <u>7,439,696</u> |            |
| Total School of Medicine ..... | 16,199,000 | 31,939,696       | 48,138,696 |

## 2. Family Residency Program:

|   |           |
|---|-----------|
| (a) Instruction .....                               | 1,711,390 |
| (b) Institutional Support .....                     | 18,590    |
| (c) Operation & Maintenance of Physical Plant ..... | 20,020    |

## SOURCE OF FUNDS:

|                                      |                  |           |
|--------------------------------------|------------------|-----------|
| (1) ASETF .....                      | <u>1,750,000</u> |           |
| Total Family Residency Program ..... | 1,750,000        | 1,750,000 |

The above appropriation shall be expended for residency programs as follows:

|                        |         |
|------------------------|---------|
| Anniston .....         | 230,000 |
| East End .....         | 230,000 |
| Jefferson County ..... | 230,000 |
| Montgomery .....       | 450,000 |
| Heflin .....           | 50,000  |
| Selma .....            | 230,000 |
| Gadsden .....          | 230,000 |
| Hamilton .....         | 100,000 |

## 3. University College:

|  |            |
|--|------------|
| (a) Instruction .....                    | 10,063,800 |
| (b) Research .....                       | 453,100    |
| (c) Public Service .....                 | 1,061,300  |
| (d) Libraries .....                      | 1,257,200  |
| (e) Academic Support (excl. Libr.) ..... | 2,417,492  |
| (f) Student Services .....               | 903,284    |
| (g) Institutional Support .....          |            |

|  |            |                   |            |
|--|------------|-------------------|------------|
|  |            |                   | 2,298,924  |
| (h) Operation & Maintenance of<br>Physical Plant ..... |            |                   | 1,725,854  |
| (i) Scholarships and Fellowships .....                 |            |                   | 120,000    |
| (j) Capital Outlay .....                               |            |                   | 400,000    |
| (k) For Vocational Teacher Train-<br>ing .....         |            |                   | 125,000    |
| SOURCE OF FUNDS:                                       |            |                   |            |
| (1) ASETF .....  | 12,702,764 |                   |            |
| (2) Federal Funds .....                                |            | 382,821           |            |
| (3) Local Funds .....                                  |            | 656,903           |            |
| (4) Other Sources .....                                |            | <u>7,083,466</u>  |            |
| Total University College .....                         | 12,702,764 | 8,123,190         | 20,825,954 |
| 4. University Hospital and Clinics:                    |            |                   |            |
| (a) Hospital .....                                     |            |                   | 81,914,088 |
| (b) Debt Service .....                                 |            |                   | 2,798,000  |
| SOURCE OF FUNDS:                                       |            |                   |            |
| (1) ASETF .....  | 5,907,000  |                   |            |
| (2) Other Sources .....                                |            | <u>78,805,088</u> |            |
| Total University Hospital Clinics .....                | 5,907,000  | 78,805,088        | 84,712,088 |
| 5. School of Optometry:                                |            |                   |            |
| (a) Instruction .....                                  |            |                   | 2,111,241  |
| (b) Research .....                                     |            |                   | 91,684     |
| (c) Public Service .....                               |            |                   | 62,188     |
| (d) Libraries .....                                    |            |                   | 5,477      |
| (e) Academic Support (excl. Libr.) .....               |            |                   | 296,586    |
| (f) Student Services .....                             |            |                   | 33,263     |
| (g) Institutional Support .....                        |            |                   | 154,370    |
| (h) Operation & Maintenance of<br>Physical Plant ..... |            |                   | 315,882    |
| (i) Debt Service .....                                 |            |                   | 26,125     |
| SOURCE OF FUNDS:                                       |            |                   |            |
| (1) ASETF .....  | 2,021,500  |                   |            |
| (2) State Funds .....                                  |            | 267,731           |            |
| (3) Other Sources .....                                |            | <u>807,585</u>    |            |
| Total School of Optometry .....                        | 2,021,500  | 1,075,316         | 3,096,816  |
| 6. School of Public and Allied<br>Health:              |            |                   |            |
| (a) Instruction .....                                  |            |                   | 1,890,445  |
| (b) Research .....                                     |            |                   | 64,469     |



|  |         |
|--|---------|
| (c) Public Service .....                               | 245,500 |
| (d) Libraries .....                                    | 27,785  |
| (e) Academic Support (excl. Libr.)                     | 484,513 |
| (f) Student Services .....                             | 60,197  |
| (g) Institutional Support .....                        | 230,800 |
| (h) Operation & Maintenance of<br>Physical Plant ..... | 257,771 |
| (i) Scholarships & Fellowships ..                      | 16,000  |
| (j) Debt Service .....                                 | 29,514  |

## SOURCE OF FUNDS:

|  |           |                |           |
|--|-----------|----------------|-----------|
| (1) ASETF .....  | 1,838,473 |                |           |
| (2) Federal Funds .....  |           | 1,089,642      |           |
| (3) Other Sources .....  |           | <u>378,879</u> |           |
| Total School of Community and Al-<br>lied Health Resources ..... | 1,838,473 | 1,468,521      | 3,306,994 |

## 7. Regional Technical Institute:

|  |           |
|--|-----------|
| (a) Instruction .....                                  | 1,382,972 |
| (b) Research .....                                     | 24,750    |
| (c) Public Service .....                               | 95,495    |
| (d) Libraries .....                                    | 35,627    |
| (e) Academic Support (excl. Libr.)                     | 210,097   |
| (f) Student Services .....                             | 63,388    |
| (g) Institutional Support .....                        | 102,146   |
| (h) Operation & Maintenance of<br>Physical Plant ..... | 292,825   |

## SOURCE OF FUNDS:

|                                    |           |                |           |
|------------------------------------|-----------|----------------|-----------|
| (1) ASETF .....                    | 1,697,245 |                |           |
| (2) Federal Funds .....            |           | 249,873        |           |
| (3) Other Sources .....            |           | <u>160,182</u> |           |
| Total Regional Technical Institute | 1,697,245 | 510,055        | 2,207,300 |

## 8. Joint Health Sciences Program:

|  |           |
|--|-----------|
| (a) Instruction .....                                  | 1,675,968 |
| (b) Libraries .....                                    | 32,400    |
| (c) Academic Support (excl. Libr.)                     | 185,700   |
| (d) Student Services .....                             | 12,000    |
| (e) Institutional Support .....                        | 280,400   |
| (f) Operation & Maintenance of<br>Physical Plant ..... | 572,164   |
| (g) Scholarships & Fellowships ..                      | 100,000   |

|   |                |                  |           |
|---|----------------|------------------|-----------|
| (h) Capital Outlay .....                            |                | 50,000           |           |
| SOURCE OF FUNDS:                                    |                |                  |           |
| (1) ASETF .....                                     | 2,392,488      |                  |           |
| (2) Federal Funds .....                             |                | 175,800          |           |
| (3) Other Sources .....                             |                | <u>340,344</u>   |           |
| Total Joint Health Sciences Program .....           | 2,392,488      | 516,144          | 2,908,632 |
| 9. Department of Pediatrics:                        |                |                  |           |
| (a) Instruction .....                               |                |                  | 318,000   |
| SOURCE OF FUNDS:                                    |                |                  |           |
| (1) ASETF .....                                     | <u>318,000</u> |                  |           |
| Total Department of Pediatrics ..                   | 318,000        |                  | 318,000   |
| 10. Center for Labor Education and Research:        |                |                  |           |
| (a) Research .....                                  |                |                  | 43,070    |
| (b) Public Service .....                            |                |                  | 172,270   |
| (c) Institutional Support .....                     |                |                  | 30,040    |
| (d) Operation & Maintenance of Physical Plant ..... |                |                  | 23,794    |
| SOURCE OF FUNDS:                                    |                |                  |           |
| (1) ASETF .....                                     | <u>269,174</u> |                  |           |
| Total Center for Labor Education and Research ..... | 269,174        |                  | 269,174   |
| 11. Student Nurses Loans:                           |                |                  |           |
| (a) Scholarships & Fellowships ..                   |                |                  | 12,000    |
| SOURCE OF FUNDS:                                    |                |                  |           |
| (1) ASETF .....                                     | <u>12,000</u>  |                  |           |
| Total Student Nurses Loans .....                    | 12,000         |                  | 12,000    |
| 12. Special Mental Health:                          |                |                  |           |
| (a) Instruction .....                               |                |                  | 1,684,908 |
| (b) Research .....                                  |                |                  | 362,451   |
| (c) Public Service .....                            |                |                  | 91,707    |
| (d) Institutional Support .....                     |                |                  | 95,246    |
| (e) Operation & Maintenance of Physical Plant ..... |                |                  | 80,877    |
| (f) Transfers .....                                 |                |                  | 567,710   |
| SOURCE OF FUNDS:                                    |                |                  |           |
| (1) Special Mental Health Fund ..                   |                | <u>2,882,899</u> |           |
| Total Special Mental Health .....                   |                |                  |           |

## REGULAR SESSION

1863

|   |                |                  |            |
|---|----------------|------------------|------------|
|   | 2,882,899      | 2,882,899        |            |
| 13. Center for Developmental and Learning Disorders:      |                |                  |            |
| (a) Instruction .....                                     |                | 1,404,635        |            |
| (b) Research .....  |                | 25,083           |            |
| (c) Public Service .....                                  |                | 1,078,560        |            |
| SOURCE OF FUNDS:  |                |                  |            |
| (1) Special Mental Health Fund ..                         | 487,250        |                  |            |
| (2) Federal Funds .....                                   | 1,482,501      |                  |            |
| (3) Other Sources .....                                   | <u>538,527</u> |                  |            |
| Total Center for Development and Learning Disorders ..... | 2,508,278      | 2,508,278        |            |
| 14. School of Dentistry:                                  |                |                  |            |
| (a) Instruction .....                                     |                | 5,525,057        |            |
| (b) Research .....  |                | 3,871,173        |            |
| (c) Public Service .....                                  |                | 561,287          |            |
| (d) Libraries .....                                       |                | 102,052          |            |
| (e) Academic Support (excl. Libr.) ..                     |                | 574,044          |            |
| (f) Student Services .....                                |                | 127,565          |            |
| (g) Institutional Support .....                           |                | 803,661          |            |
| (h) Operation & Maintenance of Physical Plant .....       |                | 2,079,120        |            |
| (i) Debt Service .....                                    |                | 85,000           |            |
| SOURCE OF FUNDS:  |                |                  |            |
| (1) ASETF .....   | 6,938,000      |                  |            |
| (2) Federal Funds .....                                   |                | 4,100,000        |            |
| (3) Other Sources .....                                   |                | <u>2,690,959</u> |            |
| Total School of Dentistry .....                           | 6,938,000      | 6,790,959        | 13,728,959 |
| 15. School of Nursing Scholarships:                       |                |                  |            |
| (a) Scholarships & Fellowships ..                         |                | 88,400           |            |
| SOURCE OF FUNDS:  |                |                  |            |
| (1) ASETF .....   | <u>88,400</u>  |                  |            |
| Total School of Nursing Scholarships .....                | 88,400         | 88,400           |            |
| 16. System Medical Education Program:                     |                |                  |            |
| (a) Instruction .....                                     |                | 503,500          |            |
| SOURCE OF FUNDS:  |                |                  |            |

|  |           |           |           |
|--|-----------|-----------|-----------|
| (1) ASETF .....  | 503,500   |           |           |
| Total System Medical Education Program .....   | 503,500   |           | 503,500   |
| 17. School of Nursing:   |           |           |           |
| (a) Instruction .....  |           |           | 2,621,714 |
| (b) Research .....   |           |           | 51,134    |
| (c) Public Service .....   |           |           | 45,000    |
| (d) Libraries .....  |           |           | 34,080    |
| (e) Academic Support (excl. Libr.) .....   |           |           | 399,325   |
| (f) Student Services .....   |           |           | 133,991   |
| (g) Institutional Support .....  |           |           | 248,857   |
| (h) Operation & Maintenance of Physical Plant .....  |           |           | 317,983   |
| (i) Scholarships & Fellowships ..  |           |           | 20,000    |
| SOURCE OF FUNDS:   |           |           |           |
| (1) ASETF .....  | 2,546,102 |           |           |
| (2) Federal Funds .....  |           | 719,603   |           |
| (3) Other Sources .....  |           | 606,379   |           |
| Total School of Nursing .....  | 2,546,102 | 1,325,982 | 3,872,084 |
| 18. Health—Related Research and Public Service:  |           |           |           |
| (a) Instruction .....  |           |           | 925,900   |
| (b) Research .....   |           |           | 670,900   |
| (c) Public Service .....   |           |           | 1,051,100 |
| (d) Academic Support (excl. Libr.) .....   |           |           | 24,900    |
| (e) Institutional Support .....  |           |           | 135,500   |
| (f) Operation & Maintenance of Physical Plant .....  |           |           | 141,654   |
| SOURCE OF FUNDS:   |           |           |           |
| (1) ASETF .....  | 2,889,654 |           |           |
| (2) Other Sources .....  |           | 60,300    |           |
| Total Health-Related Research and Public Service .....   | 2,889,654 | 60,300    | 2,949,954 |
| In addition to the above appropriation there is hereby appropriated \$2,600,000 which shall be conditional upon the condition of the Alabama Special Education Trust Fund and upon the approval of the Governor and is to be used as follows: Spain Rehabilitation Center \$1,000,000; |           |           |           |

Spain-Lakeshore Center  
\$1,000,000; Diabetes Research &  
Training Center \$600,000;  
(These appropriations under  
Subsection B, University of Ala-  
bama in Birmingham are for the  
unrestricted support of these ac-  
tivities and therefore insurance  
companies, whether operated for  
profit or not for profit, licensed  
under the laws of the State of Al-  
abama, whether acting on their  
behalf or for others, are hereby  
prohibited from applying or tak-  
ing into account in any manner  
whatsoever, any portion of these  
appropriations in determining  
reimbursements for patient  
cared activities.)

19. End Stage Renal Disease:

|                          |           |
|--------------------------|-----------|
| (a) Capital Outlay ..... | 1,000,000 |
|--------------------------|-----------|

This appropriation is to be condi-  
tional upon the condition of the  
Alabama Special Education  
Trust Fund and upon the ap-  
proval of the Governor.

SOURCE OF FUNDS:

|                                  |                  |           |
|----------------------------------|------------------|-----------|
| (1) ASETF .....                  | <u>1,000,000</u> |           |
| Total End Stage Renal Disease .. | 1,000,000        | 1,000,000 |

20. Emergency Medical Training,  
Including Mining Emergency  
Training & Safety:

|                          |         |
|--------------------------|---------|
| (a) Instruction .....    | 125,000 |
| (b) Public Service ..... | 40,000  |

SOURCE OF FUNDS:

|   |                |         |
|---|----------------|---------|
| (1) ASETF .....                             | <u>165,000</u> |         |
| Total Emergency Medical Train-<br>ing ..... | 165,000        | 165,000 |

21. Urban Research and Public  
Service:

|  |        |
|--|--------|
| (a) Research .....                                     | 46,860 |
| (b) Public Service .....                               | 97,870 |
| (c) Libraries .....                                    | 17,020 |
| (d) Operation & Maintenance of<br>Physical Plant ..... | 8,522  |

SOURCE OF FUNDS:

|                 |                |
|-----------------|----------------|
| (1) ASETF ..... | <u>170,272</u> |
|-----------------|----------------|

|   |                |                  |             |
|---|----------------|------------------|-------------|
| Total Urban Research & Public Service .....                         | 170,272        |                  | 170,272     |
| 22. Diabetes Research .....   |                |                  | 400,000     |
| SOURCE OF FUNDS:  |                |                  |             |
| (1) ASETF .....   | <u>400,000</u> |                  |             |
| Total Diabetes Research .....                                       | 400,000        |                  | 400,000     |
| 23. Arthritis Research .....  |                |                  | 400,000     |
| SOURCE OF FUNDS:  |                |                  |             |
| (1) ASETF .....   | <u>400,000</u> |                  |             |
| Total Arthritis Research .....                                      | 400,000        |                  | 400,000     |
| TOTAL UNIVERSITY OF ALABAMA IN BIRMINGHAM ....                      | 59,208,572     | 136,006,428      | 195,215,000 |
| C. University of Alabama in Huntsville:                             |                |                  |             |
| 1. Operation and Maintenance:                                       |                |                  |             |
| (a) Instruction .....   |                |                  | 4,339,805   |
| (b) Research .....  |                |                  | 1,514,883   |
| (c) Public Service .....  |                |                  | 277,652     |
| (d) Libraries .....   |                |                  | 330,645     |
| (e) Academic Support (excl. Libr.) .....                            |                |                  | 264,531     |
| (f) Student Services .....  |                |                  | 536,212     |
| (g) Institutional Support .....                                     |                |                  | 1,008,079   |
| (h) Operation and Maintenance of Physical Plant .....               |                |                  | 1,000,930   |
| (i) Scholarships and Fellowships .....                              |                |                  | 740,577     |
| (j) Auxiliary Enterprises .....                                     |                |                  | 1,075,163   |
| (k) Equipment Purchases .....                                       |                |                  | 530,000     |
| SOURCE OF FUNDS:  |                |                  |             |
| (1) ASETF .....   | 5,691,184      |                  |             |
| (2) Federal Funds .....   |                | 1,988,825        |             |
| (3) Other Sources .....   |                | <u>3,938,468</u> |             |
| Total Operation & Maintenance ..                                    | 5,691,184      | 5,927,293        | 11,618,477  |
| 2. School of Nursing Scholarships:                                  |                |                  |             |
| (a) Scholarships and Fellowships ..                                 |                |                  | 18,000      |
| SOURCE OF FUNDS:  |                |                  |             |
| (1) ASETF .....   | <u>18,000</u>  |                  |             |
| Total School of Nursing Scholarships .....                          | 18,000         |                  | 18,000      |
| (To be expended in accordance with Act 2290, 1971 Regular Session.) |                |                  |             |

3. School of Primary Medical Care:

|  |           |
|--|-----------|
| (a) Instruction .....                                    | 1,704,937 |
| (b) Research .....                                       | 435,865   |
| (c) Public Service .....                                 | 16,423    |
| (d) Libraries .....                                      | 29,906    |
| (e) Academic Support (excl. Libr.) .....                 | 550,623   |
| (f) Student Services .....                               | 60,175    |
| (h) Institutional Support .....                          | 365,534   |
| (h) Operation and Maintenance of<br>Physical Plant ..... | 312,094   |
| (i) Scholarships and Fellowships .....                   | 2,800     |
| (j) Equipment Purchases .....                            | 47,567    |

SOURCE OF FUNDS:

|   |           |                |           |
|---|-----------|----------------|-----------|
| (1) ASETF .....                               | 2,642,511 |                |           |
| (2) Federal Funds .....                       |           | 440,228        |           |
| (3) Other Sources .....                       |           | <u>443,185</u> |           |
| Total School of Primary Medical<br>Care ..... | 2,642,511 | 883,413        | 3,525,924 |

4. Johnson Environmental & Energy Center:

|  |         |
|--|---------|
| (a) Research .....                                       | 338,626 |
| (b) Public Service .....                                 | 201,730 |
| (c) Institutional Support .....                          | 23,454  |
| (d) Operation and Maintenance of<br>Physical Plant ..... | 44,007  |
| (e) Equipment Purchases .....                            | 27,282  |

SOURCE OF FUNDS:

|  |         |              |         |
|--|---------|--------------|---------|
| (1) ASETF .....  | 269,191 |              |         |
| (2) State Funds .....                                      |         | 58,911       |         |
| (3) Federal Funds .....                                    |         | 305,168      |         |
| (4) Other Sources .....                                    |         | <u>1,829</u> |         |
| Total Center for Environmental<br>and Energy Studies ..... | 269,191 | 365,908      | 635,099 |

5. Ambulatory Care Center:

|  |         |
|--|---------|
| (a) Instruction .....                                    | 480,223 |
| (b) Academic Support (excl. Libr.) .....                 | 466,201 |
| (c) Institutional Support .....                          | 72,918  |
| (d) Operation and Maintenance of<br>Physical Plant ..... | 88,682  |

|   |            |           |            |
|---|------------|-----------|------------|
| (e) Equipment Purchases .....                         |            |           | 50,000     |
| SOURCE OF FUNDS:                                      |            |           |            |
| (1) ASETF .....                                       | 646,403    |           |            |
| (2) Other Sources .....                               |            | 511,621   |            |
| Total Ambulatory Care Center ..                       | 646,403    | 511,621   | 1,158,024  |
| 6. School of Nursing:                                 |            |           |            |
| (a) Instruction .....                                 |            |           | 538,238    |
| (b) Academic Support (excl. Libr.) .....              |            |           | 197,272    |
| (c) Institutional Support .....                       |            |           | 108,347    |
| (d) Operation and Maintenance of Physical Plant ..... |            |           | 137,722    |
| (e) Equipment Purchases .....                         |            |           | 2,700      |
| SOURCE OF FUNDS:                                      |            |           |            |
| (1) ASETF .....                                       | 792,027    |           |            |
| (2) Other Sources .....                               |            | 192,252   |            |
| Total School of Nursing .....                         | 792,027    | 192,252   | 984,279    |
| 7. Paramedic Training:                                |            |           |            |
| (a) Instruction .....                                 |            |           | 7,750      |
| (b) Public Service .....                              |            |           | 86,000     |
| (c) Institutional Support .....                       |            |           | 16,730     |
| (d) Operation and Maintenance of Physical Plant ..... |            |           | 14,520     |
| SOURCE OF FUNDS:                                      |            |           |            |
| (1) ASETF .....                                       | 125,000    |           |            |
| Total Paramedic Training .....                        | 125,000    |           | 125,000    |
| 8. Alabama Solar Energy Center:                       |            |           |            |
| (a) Research .....                                    |            |           | 36,947     |
| (b) Public Service .....                              |            |           | 36,947     |
| (c) Institutional Support .....                       |            |           | 10,226     |
| (d) Operation and Maintenance of Physical Plant ..... |            |           | 19,188     |
| (e) Equipment Purchases .....                         |            |           | 14,349     |
| SOURCE OF FUNDS:                                      |            |           |            |
| (1) ASETF .....                                       | 117,657    |           |            |
| Total Solar Energy Center .....                       | 117,657    |           | 117,657    |
| TOTAL UNIVERSITY OF ALABAMA IN HUNTSVILLE .....       |            |           |            |
|   | 10,301,973 | 7,880,487 | 18,182,460 |
| II. Board of Trustees of Alabama A & M University     |            |           |            |



## A. Alabama A &amp; M University

## 1. Operation and Maintenance

|  |           |
|--|-----------|
| (a) Instruction .....                                    | 5,672,727 |
| (b) Research .....                                       | 1,124,500 |
| (c) Public Service .....                                 | 1,680,425 |
| (d) Libraries .....                                      | 625,400   |
| (e) Academic support (excl. Libr.)                       | 671,455   |
| (f) Student Services .....                               | 588,550   |
| (g) Institutional Support .....                          | 1,840,000 |
| (h) Operation and Maintenance of<br>Physical Plant ..... | 2,291,814 |
| (i) Scholarships & Fellowships                           | 150,000   |
| (j) Auxiliary Enterprises .....                          | 2,900,000 |
| (k) Equipment Purchases .....                            | 241,814   |
| (l) Automotive Equipment .....                           | 65,000    |
| (m) Debt Service .....                                   | 451,000   |

## SOURCE OF FUNDS:

|                                   |           |                  |            |
|-----------------------------------|-----------|------------------|------------|
| (1) ASETF .....                   | 8,000,000 |                  |            |
| (2) Federal Funds .....           |           | 5,027,000        |            |
| (3) Other Sources .....           |           | <u>5,275,635</u> |            |
| Total Operation & Maintenance ..  | 8,000,000 | 10,302,685       | 18,302,685 |
| 2. Vocational Teacher Training .. |           |                  | 250,000    |

## SOURCE OF FUNDS:

|   |                |            |            |
|---|----------------|------------|------------|
| (1) ASETF .....                           | <u>250,000</u> |            |            |
| Total Vocational Teacher Trng. ..         | 250,000        |            | 250,000    |
| TOTAL ALABAMA A & M UNI-<br>VERSITY ..... | 8,250,000      | 10,302,685 | 18,552,685 |

III. Board of Trustees of Alabama  
State University

## A. Alabama State University

## 1. Operation and Maintenance:

|  |           |
|--|-----------|
| (a) Instruction .....                                    | 5,115,310 |
| (b) Libraries .....                                      | 670,860   |
| (c) Academic Support (excl. Libr.)                       | 511,880   |
| (d) Student Services .....                               | 888,340   |
| (e) Institutional Support .....                          | 1,259,780 |
| (f) Operation and Maintenance of<br>Physical Plant ..... | 1,337,810 |
| (g) Scholarships & Fellowships ..                        | 3,807,340 |

|                                 |           |
|---------------------------------|-----------|
| (h) Auxiliary Enterprises ..... | 2,424,780 |
| (i) Research .....              | 93,610    |
| (j) Public Service .....        | 93,820    |
| (k) Debt Service .....          | 920,000   |

## SOURCE OF FUNDS:

|                                  |           |                  |            |
|----------------------------------|-----------|------------------|------------|
| (1) ASETF .....                  | 7,018,175 |                  |            |
| (2) Federal Funds .....          |           | 4,271,910        |            |
| (3) Other Sources .....          |           | <u>5,833,445</u> |            |
| Total Alabama State University . | 7,018,175 | 10,105,355       | 17,123,530 |

## IV. Board of Trustees of Auburn University

## A. Auburn University

## 1. Operation and Maintenance:

|  |            |
|--|------------|
| (a) Instruction .....                                    | 29,716,035 |
| (b) Research .....                                       | 5,987,159  |
| (c) Public Service .....                                 | 4,036,563  |
| (d) Libraries .....                                      | 3,581,220  |
| (e) Academic Support (excl. Libr.)                       | 3,310,474  |
| (f) Student Services .....                               | 3,273,554  |
| (g) Institutional Support .....                          | 4,651,892  |
| (h) Operation and Maintenance of<br>Physical Plant ..... | 7,476,079  |
| (i) Scholarship & Fellowships ...                        | 1,400,000  |
| (j) Auxiliary Enterprises .....                          | 15,040,000 |

## SOURCE OF FUNDS:

|                                 |            |               |            |
|---------------------------------|------------|---------------|------------|
| (1) ASETF .....                 | 34,662,440 |               |            |
| (2) Federal Funds .....         |            | 152,350       |            |
| (3) Other Sources .....         |            | 43,637,906    |            |
| (4) State Funds .....           |            | <u>20,280</u> |            |
| Total Operation and Maintenance | 34,662,440 | 43,810,536    | 78,472,976 |

## 2. School of Nursing:

|                       |         |
|-----------------------|---------|
| (a) Instruction ..... | 500,000 |
|-----------------------|---------|

## SOURCE OF FUNDS:

|                               |                |         |
|-------------------------------|----------------|---------|
| (1) ASETF .....               | <u>500,000</u> |         |
| Total School of Nursing ..... | 500,000        | 500,000 |

## 3. Educational Television:

|                       |         |
|-----------------------|---------|
| (a) Instruction ..... | 352,068 |
|-----------------------|---------|

## SOURCE OF FUNDS:

|                 |                |  |
|-----------------|----------------|--|
| (1) ASETF ..... | <u>352,068</u> |  |
|-----------------|----------------|--|

|  |                |                      |
|--|----------------|----------------------|
| Total Educational Television . . . .                               | 352,068        | 352,068              |
| 4. Center for Vocational Teacher<br>Educational Training:          |                |                      |
| (a) Instruction . . . . .  |                | 500,000              |
| SOURCE OF FUNDS:   |                |                      |
| (1) ASETF . . . . .  | <u>500,000</u> |                      |
| Total Center for Vocational &<br>Adult Teacher Education . . . . . | 500,000        | 500,000              |
| 5. Clinical Psychology:  |                |                      |
| (a) Instruction . . . . .  |                | 103,950              |
| (b) Equipment—Other than Au-<br>tomotive . . . . .                 |                | 6,050                |
| SOURCE OF FUNDS:   |                |                      |
| (1) ASETF . . . . .  | <u>110,000</u> |                      |
| Total Clinical Psychology . . . . .                                | 110,000        | 110,000              |
| 6. Agricultural Experiment Sta-<br>tion (Including Wildlife):      |                |                      |
| (a) Research . . . . .   |                | 14,609,845           |
| (b) Institutional Support . . . . .                                |                | 618,350              |
| (c) Operations & Maintenance of<br>Physical Plant . . . . .        |                | 286,953              |
| SOURCE OF FUNDS:   |                |                      |
| (1) ASETF . . . . .  | 7,224,277      |                      |
| (2) Federal Funds . . . . .  |                | 5,546,341            |
| (3) Other Sources . . . . .  |                | 2,550,000            |
| (4) State Funds . . . . .  |                | <u>194,530</u>       |
| Total Agricultural Experiment<br>Station . . . . .                 | 7,224,277      | 8,290,871 15,515,148 |

That all research work and experimentation contemplated by the spirit and purpose of this sub-section (a) shall be carried out under the supervision of the Director of the Agricultural Experiment Station System and the President of Auburn University, who shall make a complete report to the Board of Trustees of Auburn University for the fiscal year ending September 30, 1979. The funds provided in this sub-section (a) shall be used for the support of researches, experiments and investigations bearing upon and relating to the production, marketing, manufacturing, use and distribution of agricultural crops and products; for the production; marketing and curing of all kinds of livestock and livestock products that may be sold from or consumed on the farms of Alabama; for the production, culture, and use of pasture plants for the establishment, care, use and management of pastures; for the tasting of all kinds of hay, food, and forage crops, including those that may be used for lawns, and other sod crop purposes; for the tasting of varieties of crops, including soil adaption and improvement; for the tasting of fertiliz-

ers and fertilizer materials on the various soils and for various crops; for the production, marketing, storage, and curing of fruit, nut and vegetable crops; for the study of plant and animal disease and insect pests; for researches and experiments dealing with forest production, management and use; for researches dealing with soil erosion and problems arising from the waste of land due to soil erosion, for researches to discover new uses of land; for the provisions of necessary land, building, fencing livestock and other physical equipment needed for the research work herein provided for; for researches in game and fish production; provided, however, that any researches in game and fish production shall be in cooperation with or upon the advice of the Director of Conservation, so that there may be complete coordination between the work of the Alabama Agricultural Experiment Station and that of the State Department of Conservation; as future changing agricultural conditions may demand, for researches and experiments on other similar important agricultural and economic problems having for their object the development of a more permanent, profitable and diversified agriculture; and for the printing of the necessary bulletines, circulars, etc., in order that the citizens of Alabama may be acquainted with the results of said research.

7. Engineering Experimental Station:

|                    |  |         |
|--------------------|--|---------|
| (a) Research ..... |  | 812,232 |
|--------------------|--|---------|

Source of Funds:

|                 |         |  |
|-----------------|---------|--|
| (1) ASETF ..... | 812,232 |  |
|-----------------|---------|--|

|  |         |  |         |
|--|---------|--|---------|
| Total Engineering Experimental Station ..... | 812,232 |  | 812,232 |
|--|---------|--|---------|

8. Cooperative Extension Service:

|                          |  |            |
|--------------------------|--|------------|
| (a) Public Service ..... |  | 17,293,319 |
|--------------------------|--|------------|

Source of Funds:

|                 |           |  |
|-----------------|-----------|--|
| (1) ASETF ..... | 7,893,538 |  |
|-----------------|-----------|--|

|                         |  |           |
|-------------------------|--|-----------|
| (2) Federal Funds ..... |  | 7,872,700 |
|-------------------------|--|-----------|

|                       |  |                  |
|-----------------------|--|------------------|
| (3) Local Funds ..... |  | <u>1,527,081</u> |
|-----------------------|--|------------------|

|   |           |           |            |
|---|-----------|-----------|------------|
| Total Cooperative Extension Service ..... | 7,893,538 | 9,399,781 | 17,293,319 |
|---|-----------|-----------|------------|

9. Cooperative Extension Service—Retirement:

|                          |  |         |
|--------------------------|--|---------|
| (a) Public Service ..... |  | 860,582 |
|--------------------------|--|---------|

Source of Funds:

|                 |         |  |
|-----------------|---------|--|
| (1) ASETF ..... | 860,582 |  |
|-----------------|---------|--|

|                         |  |  |
|-------------------------|--|--|
| (2) Other Sources ..... |  |  |
|-------------------------|--|--|

|  |         |  |         |
|--|---------|--|---------|
| Total Cooperative Extension Service—Retirement ..... | 860,582 |  | 860,582 |
|--|---------|--|---------|

The appropriation herein made for the Extension Service shall be expended by the direction of the Board of Trustees of Auburn University through its Extension Service and shall be done in such

manner as to make available the maximum amounts of aid from the Federal government.

10. Public Service, Research and Extension:

|                          |         |
|--------------------------|---------|
| (a) Public Service ..... | 346,841 |
|--------------------------|---------|

SOURCE OF FUNDS:

|                 |                |
|-----------------|----------------|
| (1) ASETF ..... | <u>346,841</u> |
|-----------------|----------------|

|  |         |         |
|--|---------|---------|
| Total Public Service, Research and Extension ..... | 346,841 | 346,841 |
|--|---------|---------|

|                           |         |
|---------------------------|---------|
| 11. Energy Research ..... | 500,000 |
|---------------------------|---------|

SOURCE OF FUNDS:

|                 |                |
|-----------------|----------------|
| (1) ASETF ..... | <u>500,000</u> |
|-----------------|----------------|

|                             |         |         |
|-----------------------------|---------|---------|
| Total Energy Research ..... | 500,000 | 500,000 |
|-----------------------------|---------|---------|

|                         |            |            |             |
|-------------------------|------------|------------|-------------|
| TOTAL AUBURN UNIVERSITY | 53,761,978 | 61,501,188 | 115,263,166 |
|-------------------------|------------|------------|-------------|

B. Auburn University at Montgomery:

1. Operations & Maintenance:

|                       |           |
|-----------------------|-----------|
| (a) Instruction ..... | 4,416,113 |
|-----------------------|-----------|

|                    |        |
|--------------------|--------|
| (b) Research ..... | 87,405 |
|--------------------|--------|

|                          |           |
|--------------------------|-----------|
| (c) Public Service ..... | 1,801,705 |
|--------------------------|-----------|

|                     |         |
|---------------------|---------|
| (d) Libraries ..... | 314,216 |
|---------------------|---------|

|                                    |         |
|------------------------------------|---------|
| (e) Academic Support (excl. Libr.) | 245,453 |
|------------------------------------|---------|

|                            |         |
|----------------------------|---------|
| (f) Student Services ..... | 345,521 |
|----------------------------|---------|

|                                 |         |
|---------------------------------|---------|
| (g) Institutional Support ..... | 515,122 |
|---------------------------------|---------|

|   |           |
|---|-----------|
| (h) Operation and Maintenance of Physical Plant ..... | 1,146,296 |
|---|-----------|

|                                  |         |
|----------------------------------|---------|
| (i) Scholarships and Fellowships | 293,295 |
|----------------------------------|---------|

|                        |        |
|------------------------|--------|
| (j) Debt Service ..... | 60,314 |
|------------------------|--------|

SOURCE OF FUNDS:

|                 |           |
|-----------------|-----------|
| (1) ASETF ..... | 5,181,493 |
|-----------------|-----------|

|                         |           |
|-------------------------|-----------|
| (2) Federal Funds ..... | 1,621,100 |
|-------------------------|-----------|

|                       |        |
|-----------------------|--------|
| (3) State Funds ..... | 45,000 |
|-----------------------|--------|

|                         |                  |
|-------------------------|------------------|
| (4) Other Sources ..... | <u>2,377,847</u> |
|-------------------------|------------------|

|                                 |           |           |           |
|---------------------------------|-----------|-----------|-----------|
| Total Operation and Maintenance | 5,181,493 | 4,043,947 | 9,225,440 |
|---------------------------------|-----------|-----------|-----------|

2. Montgomery Area Community Health Science Institute:

|                           |         |
|---------------------------|---------|
| (a) Public Services ..... | 127,769 |
|---------------------------|---------|

SOURCE OF FUNDS:

|                 |                |
|-----------------|----------------|
| (1) ASETF ..... | <u>127,769</u> |
|-----------------|----------------|

|  |            |           |            |
|--|------------|-----------|------------|
| Total Montgomery Area Community Health Science Inst. ....                                | 127,769    |           | 127,769    |
| 3. Public Service Research & Extensions (Centers for Business & Public Affairs):         |            |           |            |
| (a) Public Services .....  |            |           | 8,400      |
| SOURCE OF FUNDS:   |            |           |            |
| (1) Other Sources .....  |            | 8,400     |            |
| Total Public Service Research & Extensions (Centers for Business & Public Affairs) ..... |            | 8,400     | 8,400      |
| 4. School of Nursing:  |            |           |            |
| (a) Instruction .....  |            |           | 250,000    |
| SOURCE OF FUNDS:   |            |           |            |
| (1) ASETF .....  | 250,000    |           |            |
| Total School of Nursing .....  | 250,000    |           | 250,000    |
| TOTAL AUBURN AT MONTGOMERY .....   | 5,559,262  | 4,052,347 | 9,611,609  |
| V. Board of Trustees of Jacksonville State University:                                   |            |           |            |
| A. Jacksonville State University   |            |           |            |
| 1. Operations and Maintenance:   |            |           |            |
| (a) Instruction .....  |            |           | 7,672,548  |
| (c) Public Service .....   |            |           | 64,172     |
| (c) Libraries .....  |            |           | 1,061,468  |
| (d) Academic Support (excl. Libr.) .....   |            |           | 499,736    |
| (e) Student Services .....   |            |           | 853,172    |
| (f) Institutional Support .....  |            |           | 370,304    |
| (g) Operation and Maintenance of Physical Plant .....                                    |            |           | 2,310,978  |
| (h) Scholarships and Fellowships .....   |            |           | 315,000    |
| (i) Debt Service .....   |            |           | 515,000    |
| SOURCE OF FUNDS:   |            |           |            |
| (1) ASETF .....  | 10,272,378 |           |            |
| (2) State Funds .....  |            | 160,000   |            |
| (3) Other Sources .....  |            | 3,230,000 |            |
| Total Operations & Maintenance .....   | 10,272,378 | 3,390,000 | 13,662,378 |
| 2. Gadsden Program:  |            |           |            |
| (a) Instruction .....  |            |           | 465,622    |
| (b) Public Service .....   |            |           | 8,000      |
| (c) Libraries .....  |            |           | 38,000     |

|  |        |
|--|--------|
| (d) Academic Support (excl. Libr.)                       | 18,000 |
| (e) Student Services .....                               | 15,000 |
| (f) Operation and Maintenance of<br>Physical Plant ..... | 50,000 |

## SOURCE OF FUNDS:

|  |         |                |         |
|--|---------|----------------|---------|
| (1) ASETF .....  | 484,622 |                |         |
| (2) Other Sources .....  |         | <u>110,000</u> |         |
| Total Cooperative University<br>Upper Division (formerly<br>Gadsden Prog.) ..... | 484,622 | 110,000        | 594,622 |

## 3. Nursing Scholarships:

|                                  |        |
|----------------------------------|--------|
| (a) Scholarships and Fellowships | 18,000 |
|----------------------------------|--------|

## SOURCE OF FUNDS:

|                                  |               |        |
|----------------------------------|---------------|--------|
| (1) ASETF .....                  | <u>18,000</u> |        |
| Total Nursing Scholarships ..... | 18,000        | 18,000 |

(To be expended in accordance with  
Act No. 2288, 1971 Regular Ses-  
sion.)

|  |         |
|--|---------|
| 4. United Cerebral Palsy Devel-<br>opment Center for East Central<br>Alabama ..... | 100,000 |
|--|---------|

## SOURCE OF FUNDS:

|  |               |         |
|--|---------------|---------|
| (1) ASETF .....  | <u>10,000</u> |         |
| Total United Cerebral Palsy De-<br>velopment Center of East Cent-<br>ral Alabama ..... | 10,000        | 100,000 |

|   |         |
|---|---------|
| 5. For Vocational Teacher Train-<br>ing ..... | 100,000 |
|---|---------|

## SOURCE OF FUNDS:

|  |                |           |            |
|--|----------------|-----------|------------|
| (1) ASETF .....                              | <u>100,000</u> |           |            |
| TOTAL JACKSONVILLE STATE<br>UNIVERSITY ..... | 10,975,000     | 3,500,000 | 14,475,000 |

## A. Livingston University:

## 1. Operation and Maintenance:

|  |           |
|--|-----------|
| (a) Instruction .....                                  | 1,534,247 |
| (b) Libraries .....                                    | 173,902   |
| (c) Academic Support (excl. Libr.)                     | 196,472   |
| (d) Student Services .....                             | 224,790   |
| (e) Institutional Support .....                        | 630,208   |
| (f) Operation & Maintenance of<br>Physical Plant ..... | 891,821   |

|                                  |           |
|----------------------------------|-----------|
| (g) Scholarships and Fellowships | 25,646    |
| (h) Auxiliary Enterprises .....  | 1,078,000 |
| (i) For Federal Programs .....   | 189,300   |

## SOURCE OF FUNDS:

|                                 |           |                  |           |
|---------------------------------|-----------|------------------|-----------|
| (1) ASETF .....                 | 3,111,782 |                  |           |
| (2) Federal Funds .....         |           | 189,800          |           |
| (3) Local Funds .....           |           | <u>1,643,304</u> |           |
| Total Operation and Maintenance | 3,111,782 | 1,833,104        | 4,944,886 |

## 2. Nursing Scholarships:

|                                  |        |
|----------------------------------|--------|
| (a) Scholarships and Fellowships | 18,000 |
|----------------------------------|--------|

## SOURCE OF FUNDS:

|                                  |               |  |        |
|----------------------------------|---------------|--|--------|
| (1) ASETF .....                  | <u>18,000</u> |  |        |
| Total Nursing Scholarships ..... | 18,000        |  | 18,000 |

|                                   |           |           |           |
|-----------------------------------|-----------|-----------|-----------|
| TOTAL LIVINGSTON UNIVERSITY ..... | 3,129,782 | 1,833,104 | 4,962,886 |
|-----------------------------------|-----------|-----------|-----------|

## VII. Board of Trustees of University of Montevallo:

## A. University of Montevallo:

## 1. Operations and Maintenance:

|   |           |
|---|-----------|
| (a) Instruction .....                               | 2,899,975 |
| (b) Research .....                                  | 50,000    |
| (c) Public Service .....                            | 89,456    |
| (d) Libraries .....                                 | 249,691   |
| (e) Academic Support .....                          | 372,312   |
| (f) Student Services .....                          | 392,952   |
| (g) Institutional Support .....                     | 807,390   |
| (h) Operation & Maintenance of Physical Plant ..... | 1,546,618 |
| (i) Scholarships and Fellowships                    | 77,070    |
| (j) Hospitals .....                                 | 306,080   |
| (k) Auxiliary Enterprises .....                     | 1,966,651 |

## SOURCE OF FUNDS:

|                                  |           |                  |           |
|----------------------------------|-----------|------------------|-----------|
| (1) ASETF .....                  | 4,875,198 |                  |           |
| (2) State Funds .....            |           | 85,000           |           |
| (3) Federal Funds .....          |           | 323,959          |           |
| (4) Other Sources .....          |           | <u>3,474,038</u> |           |
| Total Operations and Maintenance | 4,875,198 | 3,882,997        | 8,758,195 |

## 2. School for Aphasic Children:

|                       |         |
|-----------------------|---------|
| (a) Instruction ..... | 276,072 |
|-----------------------|---------|



## SOURCE OF FUNDS:

|                                   |         |               |         |
|-----------------------------------|---------|---------------|---------|
| (1) ASETF .....                   | 199,464 |               |         |
| (2) Federal Funds .....           |         | 3,000         |         |
| (3) Other Sources .....           |         | <u>73,608</u> |         |
| Total School for Aphasic Children | 199,464 | 76,608        | 276,072 |

## 3. Highway Safety Program:

|                       |  |  |         |
|-----------------------|--|--|---------|
| (a) Instruction ..... |  |  | 127,788 |
|-----------------------|--|--|---------|

## SOURCE OF FUNDS:

|                                 |         |              |         |
|---------------------------------|---------|--------------|---------|
| (1) ASETF .....                 | 125,714 |              |         |
| (2) Other Sources .....         |         | <u>2,074</u> |         |
| Total Highway Safety Program .. | 125,714 | 2,074        | 127,788 |

## 4. Communications Center:

|                          |  |  |        |
|--------------------------|--|--|--------|
| (a) Public Service ..... |  |  | 18,178 |
|--------------------------|--|--|--------|

## SOURCE OF FUNDS:

|                                 |               |  |        |
|---------------------------------|---------------|--|--------|
| (1) ASETF .....                 | <u>18,178</u> |  |        |
| Total Communications Center ... | 18,178        |  | 18,178 |

## 5. For Vocational Teacher Training .....

50,000

## SOURCE OF FUNDS:

|                                   |               |  |        |
|-----------------------------------|---------------|--|--------|
| (1) ASETF .....                   | <u>50,000</u> |  |        |
| Total Vocational Teacher Training | 50,000        |  | 50,000 |

## TOTAL UNIVERSITY OF MONTEVALLO .....

5,268,554      3,961,679      9,230,233

## VIII. Board of Trustees of University of North Alabama:

## A. University of North Alabama:

## 1. Operations and Maintenance:

|   |  |  |           |
|---|--|--|-----------|
| (a) Instruction .....                               |  |  | 4,939,000 |
| (b) Research .....                                  |  |  | 106,350   |
| (c) Public Service .....                            |  |  | 51,130    |
| (d) Libraries .....                                 |  |  | 487,000   |
| (e) Academic Support (excl. Libr.)                  |  |  | 629,000   |
| (f) Student Services .....                          |  |  | 835,660   |
| (g) Institutional Support .....                     |  |  | 1,147,000 |
| (h) Operation & Maintenance of Physical Plant ..... |  |  | 1,636,200 |
| (i) Scholarships & Fellowships ...                  |  |  | 60,439    |

|   |               |                  |            |
|---|---------------|------------------|------------|
| (j) Debt Service .....  |               |                  | 170,700    |
| SOURCE OF FUNDS:  |               |                  |            |
| (1) ASETF .....   | 6,719,058     |                  |            |
| (2) Federal Funds .....   |               | 284,680          |            |
| (3) Local Funds .....   | 85,000        |                  |            |
| (4) Other Sources .....   |               | <u>2,973,741</u> |            |
| Total Operation and Maintenance   | 6,719,058     | 3,343,421        | 10,062,479 |
| 2. Auxiliary Enterprises:   |               |                  |            |
| (a) Auxiliary Enterprises .....   |               |                  | 2,544,321  |
| SOURCE OF FUNDS:  |               |                  |            |
| (1) Other Sources .....   |               | <u>2,544,321</u> |            |
| Total Auxiliary Enterprises .....   |               | 2,544,321        | 2,544,321  |
| 3. Nursing School Scholarships:   |               |                  |            |
| (a) Scholarships & Fellowships ..   |               |                  | 18,000     |
| SOURCE OF FUNDS:  |               |                  |            |
| (1) ASETF .....   | <u>18,000</u> |                  |            |
| Total Nursing School Scholarships   | 18,000        |                  | 18,000     |
| (To be expended in accordance with<br>Act No. 2304, 1971 Regular Ses-<br>sion.) |               |                  |            |
| TOTAL UNIVERSITY OF NORTH<br>ALABAMA .....                                      | 6,737,058     | 5,887,742        | 12,624,800 |
| IX. Board of Trustees of Univer-<br>sity of South Alabama:                      |               |                  |            |
| A. University of South Alabama:   |               |                  |            |
| 1. Operations and Maintenance:  |               |                  |            |
| (a) Instruction .....   |               |                  | 7,620,663  |
| (b) Research .....  |               |                  | 175,488    |
| (c) Public Service .....  |               |                  | 49,267     |
| (d) Libraries .....   |               |                  | 416,050    |
| (e) Academic Support (excl. Libr.)  |               |                  | 458,281    |
| (f) Student Services .....  |               |                  | 1,272,356  |
| (g) Institutional Support .....   |               |                  | 1,216,059  |
| (h) Operations and Maintenance of<br>Physical Plant .....                       |               |                  | 2,137,653  |
| (i) Scholarships and Fellowships .  |               |                  | 275,181    |
| (j) Debt Service .....  |               |                  | 1,499,333  |
| (k) Capital Outlay .....  |               |                  | 113,283    |
| (l) Equipment—Other than Au-<br>tomotive .....                                  |               |                  | 508,199    |

|  |                |                  |            |
|--|----------------|------------------|------------|
| (m) Automotive Equipment .....   |                |                  | 19,110     |
| (n) Transfers .....  |                |                  | 190,000    |
| SOURCE OF FUNDS:   |                |                  |            |
| (1) ASETF .....  | 9,352,713      |                  |            |
| (2) State Funds .....  |                | 123,353          |            |
| (3) Federal Funds .....  |                | 481,400          |            |
| (4) Other Sources .....  |                | <u>5,993,457</u> |            |
| Total Operations and Maintenance   | 9,352,713      | 6,598,210        | 15,950,923 |
| 2. Statewide Medical Education:  |                |                  |            |
| (a) Instruction .....  |                |                  | 187,824    |
| SOURCE OF FUNDS:   |                |                  |            |
| (1) ASETF .....  | <u>187,824</u> |                  |            |
| Total Statewide Medical Education  | 187,824        |                  | 187,824    |
| 3. Ambulatory Care:  |                |                  |            |
| (a) Academic Support (excl. Libr.)   |                |                  | 99,304     |
| SOURCE OF FUNDS:   |                |                  |            |
| (1) ASETF .....  | <u>99,304</u>  |                  |            |
| Total Ambulatory Care .....  | 99,304         |                  | 99,304     |
| 4. Family Practice Residency Program:  |                |                  |            |
| (a) Instruction .....  |                |                  | 423,316    |
| (b) Operations and Maintenance of Physical Plant .....   |                | 4,880            |            |
| (c) Equipment—Other than Automotive .....  |                | 54,804           |            |
| (d) Transfers .....  |                | 94,000           |            |
| SOURCE OF FUNDS:   |                |                  |            |
| (1) ASETF .....  | <u>577,000</u> |                  |            |
| Total Family Practice Residency Programs .....   | 577,000        |                  | 577,000    |
| The above appropriation shall be expended for Rural Family Practice Training Programs not limited to but including Family Practice Residency in Baldwin County, Family Practice Training Center in Pike County and start-up costs for Family Practice Residency Program in Dothan. |                |                  |            |
| 5. College of Medicine:  |                |                  |            |
| (a) Instruction .....  |                |                  | 6,791,483  |

|   |           |
|---|-----------|
| (b) Research .....                                      | 1,123,449 |
| (c) Public Service .....                                | 24,707    |
| (d) Libraries .....                                     | 408,000   |
| (e) Academic Support .....                              | 386,817   |
| (f) Student Services .....                              | 125,262   |
| (g) Institutional Support .....                         | 869,353   |
| (h) Operations & Maintenance of<br>Physical Plant ..... | 1,280,181 |
| (i) Scholarships and Fellowships .                      | 35,811    |
| (j) Capital Outlay .....                                | 192,695   |
| (k) Equipment—Other than Au-<br>tomotive .....          | 192,695   |
| (l) Transfers .....                                     | 1,791,434 |

## SOURCE OF FUNDS:

|                                 |           |                  |            |
|---------------------------------|-----------|------------------|------------|
| (1) ASETF .....                 | 8,832,329 |                  |            |
| (2) Federal Funds .....         |           | 1,262,506        |            |
| (3) Other Sources .....         |           | <u>3,127,052</u> |            |
| Total College of Medicine ..... | 8,832,329 | 4,389,558        | 13,221,887 |

## 6. University Medical Center:

(Includes University Hospital and clinic)

|                          |            |
|--------------------------|------------|
| (a) Medical Center ..... | 25,971,366 |
|--------------------------|------------|

## SOURCE OF FUNDS:

|                                   |           |                   |            |
|-----------------------------------|-----------|-------------------|------------|
| (1) ASETF .....                   | 1,677,427 |                   |            |
| (2) Other Sources .....           |           | <u>24,293,939</u> |            |
| Total University Medical Center . | 1,677,427 | 24,293,939        | 25,971,366 |

## 7. Newborn Growth and Development Program (formerly Infant and Maternal Care):

|                       |        |
|-----------------------|--------|
| (a) Instruction ..... | 79,097 |
|-----------------------|--------|

## SOURCE OF FUNDS:

|                                   |               |  |        |
|-----------------------------------|---------------|--|--------|
| (1) ASETF .....                   | <u>79,097</u> |  |        |
| Total Infant & Maternal Care .... | 79,097        |  | 79,097 |

## 8. End Stage Renal Disease:

|                          |        |
|--------------------------|--------|
| (a) Instruction .....    | 25,000 |
| (b) Capital Outlay ..... | 29,895 |

## SOURCE OF FUNDS:

|                                   |               |  |        |
|-----------------------------------|---------------|--|--------|
| (1) ASETF .....                   | <u>54,895</u> |  |        |
| Total End Stage Renal Disease ... | 54,895        |  | 54,895 |

## 9. Division of Allied Health:

|   |         |
|---|---------|
| (a) Instruction .....                     | 456,770 |
| (b) Institutional Support .....           | 74,384  |
| (c) Equipment—Other than Automotive ..... | 57,000  |
| (d) Transfers .....                       | 96,145  |

## SOURCE OF FUNDS:

|                                     |         |               |         |
|-------------------------------------|---------|---------------|---------|
| (1) ASETF .....                     | 586,432 |               |         |
| (2) Other Sources .....             |         | <u>97,867</u> |         |
| Total Division of Allied Health ... | 586,432 | 97,867        | 684,299 |

## 10. School of Nursing:

|   |         |
|---|---------|
| (a) Instruction .....                     | 500,706 |
| (b) Institutional Support .....           | 15,000  |
| (c) Equipment—Other than Automotive ..... | 30,000  |
| (d) Transfers .....                       | 99,942  |

## SOURCE OF FUNDS:

|                               |         |                |         |
|-------------------------------|---------|----------------|---------|
| (1) ASETF .....               | 468,864 |                |         |
| (2) Federal Funds .....       |         | 25,500         |         |
| (3) Other Sources .....       |         | <u>151,284</u> |         |
| Total School of Nursing ..... | 468,864 | 176,784        | 645,648 |

## 11. Nursing Scholarships:

|                                    |        |
|------------------------------------|--------|
| (a) Scholarships and Fellowships . | 22,593 |
|------------------------------------|--------|

## SOURCE OF FUNDS:

|                                  |        |              |        |
|----------------------------------|--------|--------------|--------|
| (1) ASETF .....                  | 18,000 |              |        |
| (2) Other Sources .....          |        | <u>4,539</u> |        |
| Total Nursing Scholarships ..... | 18,000 | 4,539        | 22,539 |

(To be expended in accordance with Act No. 2304, 1971 Regular Session).

## 12. Research and Public Service Extension:

|   |        |
|---|--------|
| (a) Research .....                        | 40,000 |
| (b) Public Service .....                  | 51,398 |
| (c) Equipment—Other than Automotive ..... | 10,000 |

## SOURCE OF FUNDS:

|   |        |               |         |
|---|--------|---------------|---------|
| (1) ASETF .....                                   | 91,398 |               |         |
| (2) Other Sources .....                           |        | <u>10,000</u> |         |
| Total Research and Public Service Extension ..... | 91,398 | 10,000        | 101,398 |

### 13. Reproductive Health Sciences Center:

|   |        |
|---|--------|
| (a) Instruction .....                     | 25,000 |
| (b) Equipment—Other than Automotive ..... | 25,000 |

#### SOURCE OF FUNDS:

|                 |               |
|-----------------|---------------|
| (1) ASETF ..... | <u>50,000</u> |
|-----------------|---------------|

|   |        |        |
|---|--------|--------|
| Total Reproductive Health Sciences Center ..... | 50,000 | 50,000 |
|---|--------|--------|

### 14. Paramedic Training Program

|  |         |
|--|---------|
| (a) For Operations and Maintenance ..... | 125,000 |
|--|---------|

#### Source of Funds:

|                 |                |
|-----------------|----------------|
| (1) ASETF ..... | <u>125,000</u> |
|-----------------|----------------|

|  |         |         |
|--|---------|---------|
| Total Paramedic Training Program ..... | 125,000 | 125,000 |
|--|---------|---------|

### 15. Auxiliary Enterprises:

|                                 |           |
|---------------------------------|-----------|
| (a) Auxiliary Enterprises ..... | 4,549,481 |
|---------------------------------|-----------|

#### Source of Funds:

|                         |                  |
|-------------------------|------------------|
| (1) Other Sources ..... | <u>4,549,481</u> |
|-------------------------|------------------|

|                                   |           |           |
|-----------------------------------|-----------|-----------|
| Total Auxiliary Enterprises ..... | 4,549,481 | 4,549,481 |
|-----------------------------------|-----------|-----------|

### 16. Basic Medical Sciences:

|  |         |
|--|---------|
| (a) Instruction .....                                  | 276,060 |
| (b) Research .....                                     | 51,379  |
| (c) Libraries .....                                    | 41,092  |
| (d) Academic Support .....                             | 63,669  |
| (e) Student Services .....                             | 7,688   |
| (f) Institutional Support .....                        | 25,662  |
| (g) Operations and Maintenance of Physical Plant ..... | 75,850  |

#### SOURCE OF FUNDS:

|                 |         |
|-----------------|---------|
| (1) ASETF ..... | 527,000 |
|-----------------|---------|

|                         |               |
|-------------------------|---------------|
| (2) Other Sources ..... | <u>14,400</u> |
|-------------------------|---------------|

|                                    |         |        |         |
|------------------------------------|---------|--------|---------|
| Total Basic Medical Sciences ..... | 527,000 | 14,400 | 541,400 |
|------------------------------------|---------|--------|---------|

### 17. Medical Genetics Center:

|                       |         |
|-----------------------|---------|
| (a) Instruction ..... | 100,000 |
|-----------------------|---------|

#### SOURCE OF FUNDS:

|                 |                |
|-----------------|----------------|
| (1) ASETF ..... | <u>100,000</u> |
|-----------------|----------------|

|                                   |         |         |
|-----------------------------------|---------|---------|
| Total Medical Genetics Center ... | 100,000 | 100,000 |
|-----------------------------------|---------|---------|

TOTAL UNIVERSITY OF SOUTH  
ALABAMA .....

22,827,283    40,134,778    62,962,061

(These appropriations under Section II, University Medical Center, are for the unrestricted support of these activities and therefore insurance companies, whether operated for profit or not for profit, licensed under the laws of the State of Alabama whether acting on their behalf or for others are hereby prohibited from applying or taking into account in any manner whatsoever, any portion of these appropriations in determining reimbursements for patient care activities.)

X. Board of Trustees of Troy State  
University

A. Troy State University:

1. Operations and Maintenance:

|  |           |
|--|-----------|
| (a) Instruction .....                                    | 4,076,400 |
| (b) Research .....                                       | 32,800    |
| (c) Libraries .....                                      | 377,900   |
| (d) Academic Support (Excl. Libr.)                       | 259,800   |
| (e) Student Services .....                               | 831,200   |
| (f) Institutional Support .....                          | 1,090,300 |
| (g) Operation and Maintenance of<br>Physical Plant ..... | 1,300,000 |
| (h) Scholarships and Fellowships                         | 360,000   |
| (i) Public Service .....                                 | 221,800   |
| (j) Auxiliary Enterprises .....                          | 3,265,318 |
| (k) Capital Outlay .....                                 | 365,000   |
| (l) Debt Services .....                                  | 245,000   |
| (m) Transfer to Plant Fund .....                         | 100,000   |
| (n) For Vocational Teacher Train-<br>ing .....           | 100,000   |

SOURCE OF FUNDS:

|                         |           |                  |
|-------------------------|-----------|------------------|
| (1) ASETF .....         | 6,408,599 |                  |
| (2) Federal Funds ..... |           | 500,000          |
| (3) Other Sources ..... |           | <u>5,716,919</u> |

|                                 |           |           |            |
|---------------------------------|-----------|-----------|------------|
| Total Operation and Maintenance | 6,408,599 | 6,216,919 | 12,625,518 |
|---------------------------------|-----------|-----------|------------|

2. Operation and Maintenance at  
Ft. Rucker/Dothan:

|  |  |  |           |
|--|--|--|-----------|
| (a) Instruction .....                                    |  |  | 1,137,700 |
| (b) Libraries .....                                      |  |  | 114,900   |
| (c) Academic Support (Excl. Libr.)                       |  |  | 154,700   |
| (d) Student Services .....                               |  |  | 131,200   |
| (e) Institutional Support .....                          |  |  | 172,500   |
| (f) Operation and Maintenance of<br>Physical Plant ..... |  |  | 116,626   |
| (g) Scholarships and Fellowships .                       |  |  | 20,000    |
| (h) Auxiliary Enterprises .....                          |  |  | 145,000   |
| (i) Capital Outlay .....                                 |  |  | 115,000   |
| (j) Debt Service .....                                   |  |  | 80,000    |

SOURCE OF FUNDS:

|                         |         |                  |  |
|-------------------------|---------|------------------|--|
| (1) ASETF .....         | 870,000 |                  |  |
| (2) Other Sources ..... |         | <u>1,317,626</u> |  |

|   |         |           |           |
|---|---------|-----------|-----------|
| Total Operation and Maintenance<br>at Ft. Rucker/Dothan ..... | 870,000 | 1,317,626 | 2,187,626 |
|---|---------|-----------|-----------|

3. Operation and Maintenance in  
Montgomery:

|                                    |  |  |           |
|------------------------------------|--|--|-----------|
| (a) Instruction .....              |  |  | 1,271,300 |
| (b) Public Service .....           |  |  | 66,500    |
| (c) Libraries .....                |  |  | 15,000    |
| (d) Academic Support (Excl. Libr.) |  |  | 145,000   |
| (e) Student Services .....         |  |  | 235,000   |
| (f) Institutional Support .....    |  |  | 495,000   |
| (g) Scholarships and Fellowships . |  |  | 5,000     |
| (h) Auxiliary Enterprises .....    |  |  | 220,000   |
| (i) Capital Outlay .....           |  |  | 50,000    |

SOURCE OF FUNDS:

|                         |         |                  |  |
|-------------------------|---------|------------------|--|
| (1) ASETF .....         | 222,800 |                  |  |
| (2) Other Sources ..... |         | <u>2,280,000</u> |  |

|   |         |           |           |
|---|---------|-----------|-----------|
| Total Operations and Maintenance<br>in Montgomery ..... | 222,800 | 2,280,000 | 2,502,800 |
|---|---------|-----------|-----------|

4. Nursing Scholarships:

|                                    |  |  |        |
|------------------------------------|--|--|--------|
| (a) Scholarships and Fellowships . |  |  | 36,000 |
|------------------------------------|--|--|--------|

SOURCE OF FUNDS:

|                 |               |  |  |
|-----------------|---------------|--|--|
| (1) ASETF ..... | <u>36,000</u> |  |  |
|-----------------|---------------|--|--|



|   |        |  |        |
|---|--------|--|--------|
| Total Nursing Scholarships . . . . .  | 36,000 |  | 36,000 |
| (To be expended in accordance with<br>Act No. 2292, 1971 Regular Ses-<br>sion.) |        |  |        |

5. Operation and Maintenance of  
BSN Program in Montgomery:

|                           |  |  |         |
|---------------------------|--|--|---------|
| (a) Instruction . . . . . |  |  | 250,000 |
|---------------------------|--|--|---------|

SOURCE OF FUNDS:

|                     |                |  |  |
|---------------------|----------------|--|--|
| (1) ASETF . . . . . | <u>250,000</u> |  |  |
|---------------------|----------------|--|--|

|  |         |  |         |
|--|---------|--|---------|
| Total Nursing School—Mont-<br>gomery . . . . . | 250,000 |  | 250,000 |
|--|---------|--|---------|

|  |           |           |            |
|--|-----------|-----------|------------|
| TOTAL TROY STATE UNIVER-<br>SITY . . . . . | 7,787,399 | 9,814,545 | 17,601,944 |
|--|-----------|-----------|------------|

XI. Board of Trustees for Alabama  
Institute for Deaf and Blind

A. Alabama Institute for Deaf and  
Blind:

1. Operation and Maintenance:

|                           |  |  |           |
|---------------------------|--|--|-----------|
| (a) Instruction . . . . . |  |  | 1,710,440 |
|---------------------------|--|--|-----------|

|                         |  |  |        |
|-------------------------|--|--|--------|
| (b) Libraries . . . . . |  |  | 72,368 |
|-------------------------|--|--|--------|

|                                |  |  |         |
|--------------------------------|--|--|---------|
| (c) Student Services . . . . . |  |  | 379,151 |
|--------------------------------|--|--|---------|

|                                     |  |  |         |
|-------------------------------------|--|--|---------|
| (d) Institutional Support . . . . . |  |  | 149,190 |
|-------------------------------------|--|--|---------|

|  |  |  |           |
|--|--|--|-----------|
| (d) Operation and Maintenance of<br>Physical Plant . . . . . |  |  | 1,337,543 |
|--|--|--|-----------|

|                                    |  |  |       |
|------------------------------------|--|--|-------|
| (f) Scholarships and Fellowships . |  |  | 1,800 |
|------------------------------------|--|--|-------|

|                                  |  |  |         |
|----------------------------------|--|--|---------|
| (g) Infirmary Speech and Hearing |  |  | 133,233 |
|----------------------------------|--|--|---------|

|                                     |  |  |           |
|-------------------------------------|--|--|-----------|
| (h) Auxiliary Enterprises . . . . . |  |  | 2,179,651 |
|-------------------------------------|--|--|-----------|

SOURCE OF FUNDS:

|                     |           |  |  |
|---------------------|-----------|--|--|
| (1) ASETF . . . . . | 3,696,500 |  |  |
|---------------------|-----------|--|--|

|                             |  |                  |  |
|-----------------------------|--|------------------|--|
| (2) Federal Funds . . . . . |  | <u>2,266,876</u> |  |
|-----------------------------|--|------------------|--|

|   |           |           |           |
|---|-----------|-----------|-----------|
| Total Alabama Institute for Deaf<br>and Blind . . . . . | 3,696,500 | 2,266,876 | 5,963,376 |
|---|-----------|-----------|-----------|

B. Department of Adult Blind and  
Deaf:

1. Operation and Maintenance:

|                           |  |  |           |
|---------------------------|--|--|-----------|
| (a) Instruction . . . . . |  |  | 1,105,085 |
|---------------------------|--|--|-----------|

|                         |  |  |        |
|-------------------------|--|--|--------|
| (b) Libraries . . . . . |  |  | 77,133 |
|-------------------------|--|--|--------|

|                                    |  |  |        |
|------------------------------------|--|--|--------|
| (c) Academic Support (Excl. Libr.) |  |  | 32,441 |
|------------------------------------|--|--|--------|

|                                |  |  |         |
|--------------------------------|--|--|---------|
| (d) Student Services . . . . . |  |  | 805,927 |
|--------------------------------|--|--|---------|

|  |           |
|--|-----------|
| (e) Institutional Support .....                          | 259,251   |
| (f) Operation and Maintenance of<br>Physical Plant ..... | 312,833   |
| (g) Auxiliary Enterprises .....                          | 5,896,247 |
| (h) Equipment—Other than Au-<br>tomotive .....           | 63,466    |
| (i) Automotive Equipment .....                           | 12,501    |

## SOURCE OF FUNDS:

|  |           |                  |            |
|--|-----------|------------------|------------|
| (1) ASETF .....  | 1,518,500 |                  |            |
| (2) Federal Funds .....  |           | 2,017,349        |            |
| (3) Other Sources .....  |           | <u>5,029,035</u> |            |
| Total Alabama Institute for Deaf<br>and Blind .....            | 1,518,500 | 7,046,384        | 8,564,884  |
| GRAND TOTAL ALABAMA IN-<br>STITUTE FOR DEAF AND<br>BLIND ..... | 5,215,000 | 9,313,260        | 14,528,200 |

Also each certificated employee shall be allowed two hundred forty-seven dollars and twenty cents (\$247.20) to provide hospital-medical insurance assistance. A majority of the participating professional employees shall select the plan(s) and the carrier(s) of the hospital-medical insurance. Of the appropriation above three hundred dollars (\$300) per teacher unit for grades X-12 is allocated for all teachers employed (except ESEA Title I and Title III teachers and ESAA teachers) and shall be allotted for the purpose of instructional supplies, materials, and equipment, excluding furniture and fixtures. The faculty and principal shall cooperatively development a budget for instructional supplies and materials and, based on this budget, recommend to the President the amount to be allotted to each teacher for the operation of the instructional program within the school. The board of trustees shall issue requisitions for purchases from these funds and shall issue purchase orders and handle all financial transactions in compliance with this section. Of the amount appropriated above for the fiscal year ending September 30, 1979, in addition to salary now received and all salary increments due, all teachers and administrative employees shall receive salary increases as follows: Teachers holding Rank "AA" or equivalent certificates not less than one thousand three hundred sixty dollars (\$1,360) per annum; Rank I or its equivalent teachers not less than one thousand two hundred forty-five dollars (\$1,245) per annum; Rank II or its equivalent teachers not less than one thousand one hundred thirty dollars (\$1,130) per annum; Rank III or its equivalent teachers not less than one thousand fifteen dollars (\$1,015) per annum; Rank IV or its equivalent teachers not less than nine hundred (\$900) per annum for the regular academic year. Persons employed for ten, eleven or twelve months shall receive an additional pro rata salary increase." In addition to the salary now received by support personnel, full-time support personnel shall receive a salary increase of not less than five hundred dollars (\$500) per annum for nine months employment.

Personnel employed for more than nine months shall receive additional pro rata increases. Full-time support personnel shall be defined as those support personnel working at least six hours per day. Those support personnel working less than six hours per day shall receive pro rata increases based

on the number of hours worked per day.

## XII. State Board of Education

### A. Athens State College:

#### 1. Operation and Maintenance:

|  |           |
|--|-----------|
| (a) Instruction .....                                    | 1,173,389 |
| (b) Instructional Support .....                          | 105,072   |
| (c) Administrative Support .....                         | 442,221   |
| (d) Student Services .....                               | 144,347   |
| (e) Operation and Maintenance of<br>Physical Plant ..... | 362,141   |
| (f) Auxiliary Enterprises .....                          | 323,122   |

#### SOURCE OF FUNDS:

|                                  |           |                  |           |
|----------------------------------|-----------|------------------|-----------|
| (1) ASETF .....                  | 1,417,162 |                  |           |
| (2) Federal Funds .....          |           | 122,250          |           |
| (3) Other Sources .....          |           | <u>1,010,880</u> |           |
| Total Athens State College ..... | 1,417,162 | 1,133,130        | 2,550,292 |

Section 6. For Funding of a Paramedic Training Program with the proposed instruction to be conducted at the following institutions.

#### 1. George C. Wallace Community College at Dothan

For Operations and Maintenance . 125,000

#### 2. Gadsden State Junior College

For Operations and Maintenance . 125,000

#### Section 7. Other Educational Ap- propriations:

#### George C. Wallace Community College—Technical Branch— Dothan:

For a nursing school .....

600,000

#### George Corley Wallace State Community College (Selma):

For Operations and Maintenance  
at the facility formerly Craig  
AFB .....

116,300

#### George Corley Wallace State Community College—Technical Branch (Selma):

For Operations and Maintenance  
at the facility formerly Craig  
AFB .....

324,000

For construction of a vocational  
school to be located at Winfield in  
Marion County .....

100,000

University of Alabama in Birmingham:

For Capital Outlay Purposes—For the renovation and equipping of the building known as the Alabama Theater . . . . . 345,000

George C. Wallace Community College—Hanceville:

For Capital Outlay purposes . . . . . 2,500,000

Elba City Board of Education—Capital Outlay . . . . . 500,000

Chattahoochee Valley Community College:

For Capital Outlay purposes . . . . . 2,000,000

Section 8. There is hereby appropriated \$2,500,000 to be distributed by the Governor at his discretion to city and county boards of education for repaid or replacing burned school buildings or buildings which have been damaged or destroyed by natural disasters, or schools with critical needs.

Of the above appropriation the following shall be allocated:

BOARDS OF EDUCATION—SCHOOL

Gadsden City, General Forest . . . . . 275,000

Hartselle City, Morgan Co. Training . . . . . 290,000

Lamar County, Vernon Vocational . . . . . 15,000

Lawrence County, Chalybeate . . . . . 240,000

Madison County, New Market . . . . . 125,000

Marshall County, Boaz Middle . . . . . 315,000

Mobile County, Prichard Middle . . . . . 315,000

Randolph County, Folsom Jr. High . . . . . 300,000

Shelby County, Montevallo High . . . . . 125,000

Henry County, Newville Elementary . . . . . 300,000

Cullman County, Baileyton . . . . . 100,000

Tuscumbia City, Deshler Jr. High . . . . . 100,000

Section 9.

A. SPECIAL MENTAL HEALTH FUND:

(1) There is hereby transferred from the Special Mental Health Trust

Fund to the Board of Trustees of University of Alabama \$2,882,899 to be expended under the programmatic area as shown under subsection 12 on page 42.

(2) There is hereby transferred from the Special Mental Health Trust Fund \$487,250 to be expended under the programmatic area as shown under subsection 13 on page 43.

#### B. PUBLIC SCHOOL FUND:

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100.00) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Section 257, 258, and 259 of the Constitution in 1901; and the amount appropriated from all other funds as is now provided by law, provided, however, not more than four percent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools.

Section 10. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds provided for in this Act, whereupon the Comptroller, shall issue his warrant therefore; provided, that all appropriations and funds made available to the University of Alabama at Tuscaloosa, University of Alabama in Birmingham, University of Alabama in Huntsville, Alabama A & M University, Alabama State University, Auburn University, Alabama Institute for Deaf and Blind, Alabama Educational Television Commission, Jacksonville State University, Livingston State University, University of Montevallo, University of North Alabama, University of South Alabama, State Social Security Board, Teachers' Retirement System, Troy State University, and the Youth Services Board by the provisions of this Act shall be paid by request to the Comptroller made in the manner now provided by law.

Section 11. That nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

Section 12. The provisions of this Act are severable. If any portion, paragraph, sentence, clause, provision, or portion of this Act, or all or any portion of any appropriation or appropriations herein made, be held unconstitutional or invalid, which holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act, or any other appropriation or portion thereof made not in and of itself unconstitutional or invalid.

Section 13. This Act shall become effective on October 1, 1978.

The Standing Committee on Finance and Taxation then reported the following amendments to the substitute for the Bill, H. B. 245, to-wit:

## AMENDMENT TO SUBSTITUTE FOR H. B. 245

Amend substitute for H. B. 245 by deleting section 5., IV., A., Subsection 4. on page 52 and insert in lieu thereof the following:

"4. Center for Vocational Teacher  
Educational Training:

(a) Instruction ..... 800,000

## SOURCE OF FUNDS:

(1) ASETF ..... 800,000

Total Center for Vocational &  
Adult Teacher Education ..... 800,000 800,000

## AMENDMENT TO SUBSTITUTE FOR H. B. 245

Amend substitute for House Bill 245 by adding the following to Section 5, Subsection VII, and changing the "Total Athens State College" as follows:

2. Vocational Teacher Training: 125,000

## SOURCE OF FUNDS:

(1) ASETF ..... 125,000 125,000

Total Vocational Teacher Training 125,000 125,000

All other total figures in this bill should reflect this change.

## AMENDMENT TO SUBSTITUTE FOR H. B. 245

Amend substitute for House Bill No. 245 Page 61 Line 9, by striking out the number 2,899,975 and inserting in lieu thereof the number 3,399,975; amend further on line 22 by striking the number 4,875,198 and insert in lieu thereof the number 5,375,198; further amend page 61 on line 26 by striking the number 4,875,198 and inserting in lieu thereof the number 5,375,198; and, further amend line 26 by striking the number 8,758,195 and inserting in lieu thereof the number 9,258,195.

Further amend H. B. 245 as substituted on page 62, line 19 by striking the number 5,268,554 and inserting in lieu thereof the number 5,768,554; also amend line 19 by striking the number 9,230,233 and inserting in lieu thereof the number 9,730,233.

## AMENDMENT TO SUBSTITUTE FOR H. B. 245

Amend substitute for H. B. 245 by striking on pages 18-20 subsections 20 (a), 20 (aa) and 20 (bb) of Section 3 in their entirety and inserting in lieu thereof the following:

(a) Financial Assistance Program 586,236,819

## SOURCE OF FUNDS:

(1) ASETF ..... 562,560,334

(2) Public School Fund ..... 19,000,000

(3) Local Effort ..... 4,676,485

|   |             |            |             |
|---|-------------|------------|-------------|
| Total Minimum Program Fund . . .                            | 562,560,334 | 23,676,485 | 586,236,819 |
| (aa) To be distributed by the State Board of Education for: |             |            |             |
| Local Boards . . . . .                                      | 485,910,244 |            |             |
| Board of Adjustment Awards . . . .                          | 150,000     |            |             |
| Teachers Sick Leave . . . . .                               | 3,890,178   |            |             |
| Teachers Personal Leave . . . . .                           | 1,296,726   |            |             |
| Hospital—Medical Insurance Assistance . . . . .             | 9,427,961   |            |             |
| Funds to Replace Fees . . . . .                             | 10,488,225  |            |             |
| Maintenance . . . . .                                       | 6,000,000   |            |             |
| Sick Leave for Support Personnel                            | 800,000     |            |             |
| Additional for Special Education .                          | 30,550,000  |            |             |
| Salary Increases for Lunchroom Workers . . . . .            | 7,747,000   |            |             |
| Insurance for Support Staff . . . . .                       | 6,300,000   |            |             |

The Minimum Program Fund, which in accordance with the statutes and regulations of the State Board of Education relating to the expenditure of such funds, shall be used for providing a minimum term and for the equalization of educational opportunity in the public schools of the State. Provided further, that in no case shall a term of less than nine months in tax districts be approved, except that the State Board of Education, upon the recommendation of the State Superintendent of Education shall be authorized to make full allotments of funds to any school system for the time actually taught, if in the judgement of the State Superintendent of Education and the State Board of Education unusual conditions beyond the control of the local Board of Education in any school are such as to prevent the operation of that school for the required nine months minimum term; provided further, that the amount herein appropriated for the Minimum Program Fund shall include all monies earmarked for public school teachers' salaries as provided in the Income Tax amendment ratified on the 26th day of August, 1947. The Minimum Program fund shall also include any other appropriations of funds either State or Federal, which may be designated by the Legislature as a part of the Minimum Program Fund.

(bb) Of the total teacher units provided for exceptional children, twenty-five (25) may be used in early education programs for exceptional children and twenty-five (25) may be used in regional multi-systems, and/or state-wide programs for exceptional children. In addition to the regular units allocated in the Minimum Program, the same number of teacher units as provided for the school year 1977-78, six hundred fifty (650) are provided for the reduction of the class size in grades 1-6. The Alabama Education Study Commission and the State Department of Education shall have the authority to insure that the intent of the Legislature is implemented.

All special education units other than the early childhood and multi-system units, and units to reduce the number of pupils in grades 1-6 shall be allocated to local school systems on the basis of enrollment. Units earned by a system on this basis which are not used by such system may not be reallocated to other systems except those units necessary to guarantee school

systems not less than the number of units allocated to them during the 1977-78 school year. In addition to the three thousand two hundred fifty (3,250) special units now provided through the minimum program, there is hereby provided the sum of 30 million, five hundred and fifty thousand dollars (\$30,550,000) to be used in the area of special education. The funds to provide for this program are included under the programmatic appropriations of Section 20 (aa) Minimum Program and the wording in this section (bb) is for explanation purposes only and is not intended to be construed to be a second funding. Of the 30,550,000 for Special Education, \$1,037,733 shall be earmarked for Vocational Education for the Handicapped to meet matching requirements of Federal legislation (P.L. 94-482). The remaining funds of this category shall be allocated by the State Board of Education on a formula developed by the State Superintendent of Education and his staff. Each local board of education shall submit a proposal to the State Superintendent of Education for the use of funds allocated to its system which must be approved by the State Superintendent of Education before such funds are disbursed. The proposals may include, but are not limited to, any or all of the following: (1) Additional teachers, (2) Teacher Aides, (3) Materials, supplies and instructional equipment, (4) Modifications and renovations of buildings (including eliminations of architectural barriers).

Job descriptions and qualifications of teacher aides shall be determined by the State Superintendent of Education. Also, none of the teacher unit positions may be filled by teachers not certified as qualified Special Education teachers.

The State Superintendent, through his staff, shall monitor programs to assure that the purposes for which these funds are provided are carried out on the approved plan.

Three hundred eighty (380) additional kindergarten units are herewith provided for the phasing in of the kindergarten program during the specified fiscal year and shall be dispersed with the kindergarten teacher units being at least equal to the amount received by the respective local school boards during the preceding fiscal year. In addition thereto, all local school boards shall receive all kindergarten teacher units now supplied by federal funds if these programs continue to be federally funded.

#### AMENDMENT TO SUBSTITUTE FOR H. B. 245

Amend Senate Substitute for H. B. 245 by deleting in Section 3, 4, (j) pg. 9 and adding the following:

|   |            |
|---|------------|
| (j) Rehabilitation Services Program ..... | 32,839,711 |
|---|------------|

#### SOURCE OF FUNDS:

|   |           |                   |            |
|---|-----------|-------------------|------------|
| (1) ASETF .....                             | 7,097,000 |                   |            |
| (2) Federal and Local Funds .....           |           | <u>25,742,711</u> |            |
| Total Rehabilitation Services Program ..... | 7,097,000 | 25,742,711        | 32,839,711 |

(Of the above appropriation the sum of \$200,000 is to be expended for handicapped recreational programs, primarily at year-round camping facilities, as con-



tracted through the Division of Vocational Rehabilitation and Crippled Children, State Dept. of Education.)

#### AMENDMENT TO SUBSTITUTE FOR H. B. 245

Amend substitute for House Bill No. 245 Page 31-A Line 25, by adding:

|                                |        |        |
|--------------------------------|--------|--------|
| 4a. Alabama Film Commission .. | 70,000 | 70,000 |
|--------------------------------|--------|--------|

#### AMENDMENT TO SUBSTITUTE FOR H. B. 245

Amend substitute for H. B. 245 by deleting on page 31 on lines 11 through 18, Section 3A. 33 in its entirety and inserting in lieu thereof a new Section 3 A. 33 as follows:

##### "33. Youth Services

|                                  |           |
|----------------------------------|-----------|
| (a) Youth Services Program ..... | 8,706,171 |
|----------------------------------|-----------|

##### Source of Funds:

|                                   |           |           |
|-----------------------------------|-----------|-----------|
| (1) ASETF .....                   | 7,021,171 |           |
| (2) Federal and Local Funds ..... |           | 1,685,000 |

|                            |           |           |           |
|----------------------------|-----------|-----------|-----------|
| Total Youth Services ..... | 7,021,171 | 1,685,000 | 8,706,171 |
|----------------------------|-----------|-----------|-----------|

(To be expended in accordance with Act No. 816, 1973 Reg. Ses.)

(Provided however that of the above amount appropriated from the ASETF, the amount of \$125,000 shall be expended for capital outlay purposes at a licensed non-profit residential foster boarding house in Madison County, provided that such facility has existed for at least twenty (20) years."

Further amend substitute for H. B. 245 by deleting in Section 8 on page 76C on lines 15 through 19 the following language:

"Department of Pensions and Security:

|   |          |
|---|----------|
| To be used for capital outlay at a licensed non-profit residential, foster or foster boarding home in Madison County, provided that such facility has existed for at least twenty years ..... | 125,000" |
|---|----------|

#### AMENDMENT TO SUBSTITUTE FOR H. B. 245

Amend substitute for H. B. 245, Page 10, Subsection n by changing the figures to read as follows:

|  |           |
|--|-----------|
| (n) Crippled Children Services Program ..... | 7,066,190 |
|--|-----------|

|  |           |                  |           |
|--|-----------|------------------|-----------|
| (1) ASETF .....                                | 4,303,690 |                  |           |
| (2) Federal and Local Funds .....              |           | <u>2,762,500</u> |           |
| Total Crippled Children Services Program ..... | 4,303,690 | 2,762,500        | 7,066,190 |

#### AMENDMENT TO SUBSTITUTE FOR H. B. 245

Amend substitute for House Bill No. 245 Page 30 Line 18, by striking out the figure 2,885,000 and inserting the figure 3,080,000 and on Line 19 by striking the figure 195,000

#### AMENDMENT TO SUBSTITUTE FOR H. B. 245

Amend substitute for House Bill 245 by adding on page 19 in Section 3, A, 20, (bb) on line 36 after the sentence ending "special education.", the following sentence:

"As much as three (3) percent of the above \$30,550,000 may be distributed by the Board of Education to the Alabama Institute for Deaf and Blind to implement the purposes of Act 106 and P.L. 94-142."

#### AMENDMENT TO SUBSTITUTE FOR H. B. 245

Amend House Bill 245, Section 4, p. 33, line 21 by adding the following:

"11. Bridge Drug Alert Center at Gadsden:

|   |        |
|---|--------|
| (a) Drug Abuse Education and Rehabilitation ..... | 10,000 |
|---|--------|

Source of Funds:

|                 |               |
|-----------------|---------------|
| (1) ASETF ..... | <u>10,000</u> |
|-----------------|---------------|

|   |        |        |
|---|--------|--------|
| Total Bridge Drug Alert Center at Gadsden ..... | 10,000 | 10,000 |
|---|--------|--------|

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 371. To amend Section 39-2-12, Code of Alabama 1975, as amended, relating to payments to contractors on public works contracts so as to provide for an alternate escrow procedure for amounts withheld as retainage under such contracts, and to provide for the conditions under which such an escrow procedure may be utilized.

JOHN W. PEMBERTON,  
Clerk.

#### RECESS

At 4:10 P.M., on motion of Mr. Mims, the Senate took a recess until 4:30 this afternoon.

NIGHT SESSION  
THIRTIETH LEGISLATIVE DAY

MONDAY, APRIL 24, 1978

The Senate re-assembled at 4:30 P.M. in the Senate Chamber and was called to order by Lieutenant Governor Beasley.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—35

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 11. To amend Section 3A, Subsection 13(a) of Act No. 637, H. 482 of the 1977 Regular Session, which act makes appropriations from the State treasury in the Alabama Special Education Trust Fund account for educational purposes for the fiscal year ending September 30, 1978, so as to remove certain limitations imposed on the expenditure of monies appropriated for the operation of the Public Library Service facility.

Also:

S. 37. To name the I-65 crossing of the Mobile River which is now under construction and scheduled for completion in September, 1980, "The General W. K. Wilson, Jr., Bridge."

Also:

S. 71. To name the auditorium scheduled for construction at Southern Union State Junior College in Wadley, Randolph County, Alabama, "The Tom Brazeal Auditorium."

Also:

S. 202. To amend Section 2, Subsection 19(g)(4) of Act No. 636, H. 481 of the 1977 Regular Session, which act makes appropriations from the general fund of the state treasury for the ordinary expenses of this executive, legislative and judicial functions of government for the fiscal year ending September 30, 1978, so as to allow the Department of Conservation to expend from its allotted appropriation in the Marine Resources Fund monies for certain capital outlay purposes.

Also:

S. 207. To exempt the state headquarters only of the American Legion, the American Veterans of World War II, Korea and Viet Nam (a/k/a "AMVETS"), the Disabled American Veterans, and the Veterans of Foreign Wars (a/k/a VFW) Alabama Goodwill Industries and Alabama Sight Conservation Association from the payment of all state, county and municipal sales and use taxes.

Also:

S. 282. To name the science-fine arts building at Southern Union State Junior College in honor of A. R. Van Cleave.

Also:

S. 335. To amend Section 40-9-1, Code of Alabama 1975, so as to exempt from ad valorem taxation all property owned by Loyal Order of Moose or lodge thereof, provided such property is used and occupied exclusively by such organization.

Also:

S. 674. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State of Alabama adopted during the 1976 and 1977 sessions of the Legislature and Act No. 144, S. 58, 1975 3rd Special Session, effective December 1, 1976, with the exception of the Alabama Criminal Code (Act No. 607, S. 33, 1977 Regular Session), as contained in the 1977 Cumulative Supplement to the Code of Alabama 1975 and to make certain corrections in such Cumulative Supplement.

Also:

S. 234. To amend Section 41-9-452 of the Code of Alabama 1975 so as to further define the authority of the Sports Hall of Fame.

Also:

S. 235. To make a conditional appropriation from the general fund to the sports hall of fame at the Civic Center in Birmingham.

Also:

S. 458. To amend Sections 36-21-68 and 36-21-70 of the Code of Alabama 1975, so as to cut off monthly contributions for members of the Peace Officers' Annuity and Benefit Fund with 30 years or more service, and to effect a general increase in the schedule of benefits.

U. W. CLEMON,  
Chairman.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

## FURTHER CONSIDERATION OF H. B. 245

The Senate proceeded to further consideration of the Bill, H. B. 245.

The question was on the Committee substitute and pending Committee amendments.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 496. Relating to Native Americans; creating the Southwest Alabama Indian Affairs Commission; providing for its duties and membership; prescribing the method of appointment and compensation of the members of said commission; providing for an appropriation for such commission from the state general fund; and repealing all laws or parts of laws conflicting with this act, specifically repealing Act No. 533, S. 449, 1976 Regular Session (Acts of 1976, p. 684).

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Mims, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 496, the title of which is set out in the foregoing Message from the House, to-wit:

## AMENDMENT TO S. B. 496

Amend S. 496 as follows:

On page 1, lines 27 and 28 by striking out the words "providing for an appropriation for such commission from the state general fund;"

Also, on page 5, lines 9 through 12 by striking out Section 9 entirely and by renumbering subsequent sections accordingly.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Clemon, Edwards, Ellis, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Pearson, Peden, Perloff, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—27

*Nays:*

—0

## FURTHER CONSIDERATION OF H. B. 245

The Senate proceeded to further consideration of the Bill, H. B. 245.

The question was on the Committee substitute and pending Committee amendments.

On motion of Mr. Owen, said substitute and pending amendments were laid on the table.

Mr. Owen offered the following substitute for the Bill, H. B. 245, to-wit:

SUBSTITUTE FOR H. B. 245

A BILL  
TO BE ENTITLED  
AN ACT

To make annual appropriations for the support, maintenance, and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1979.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated, for the support of public education in Alabama for the fiscal year ending September 30, 1979 and for the public debt, to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 7, inclusive. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs are shown so as to include estimated sources of funds other than the appropriation made in subsection (a) of Section 2 of this Act. For the purpose of this Act, the following definitions shall be applicable: (a) "Capital Outlay" shall include all expenditures for the purchase of land, buildings, and renovations; (b) "Equipment—Other than Automotive" shall mean those items of office equipment, and other equipment which have an appreciable and calculable period of usefulness in excess of one year; (c) "Automotive Equipment" shall mean those items of motor vehicle equipment only and the money appropriated therefore shall be expended only for such purposes. The amounts herein appropriated for "equipment purchases" and "automotive equipment purchases" shall be decreased by the amount of the sale, trade-in or exchange of the items of equipment purchases and automotive equipment purchases as described in Section 1 (b) and (c) hereof; (d) "ASETF" shall mean Alabama Special Educational Trust Fund.

Section 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1979 and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 4, Chapter 4, Title 41 of the Code of Alabama 1975), the provisions of Act No. 494 adopted at the 1976 Regular Session, and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Federal and Other Funds" and "Total" are set forth for the purpose of indicating amounts estimated to be available by programmatic area from sources other than from appropriations made in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for and efficient use of the funds available to and hereby appropriated by the legislature, it being the intention hereof to make appropriations only from the funds referred to in subsection (a) of this Section 2.

Provided, that if, at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

|  | FUND SOURCES INCLUDED<br>IN APPROPRIATION TOTAL |                |                        |
|--|---|----------------|------------------------|
|  | ASETF   | TRUST<br>FUNDS | APPROPRIATION<br>TOTAL |
| Section 3.   |   |                |                        |
| A. STATE AGENCIES  |   |                |                        |
| 1. Council on the Arts and Humanities  |   |                |                        |
| (a) Fine Arts Program .....  |   |                | 1,014,098              |
| Source of Funds:   |   |                |                        |
| (1) ASETF .....  | 400,000   |                |                        |
| (2) Federal and Local Funds ....   |   | 614,098        |                        |
| Total Council on the Arts and Humanities .....   | 400,000   | 614,098        | 1,014,098              |
| 2. Debt Service .....  |   |                | 871,044                |
| (a) For the payment of principal and interest due on bonds issued by the University of Alabama Research-Institute pursuant to Constitutional Amendment No. CLVII ..... |   |                | 211,300                |
| (b) Interest on Endowments:  |   |                |                        |
| For interest on University of Montevallo (Alabama College) Endowment, Estimated ...  |   |                | 45,000                 |
| For interest on Auburn University Endowment .....  |   |                | 20,280                 |
| For interest on University of Alabama Endowment .....  |   |                | 61,000                 |
| For interest on Grove Hill Endowment .....   |   |                | 600                    |
| For interest on Public School Fund Endowment:  |   |                |                        |
| Interest on 16th Section lands, Estimated .....  |   |                | 410,000                |
| Interest on School Indemnity Lands, Estimated .....  |   |                | 90,000                 |
| Interest on Valueless 16th Section lands .....   |   |                | 5,825                  |
| Interest on Surplus plus Revenue .....   |   |                | 26,764                 |

Interest on James Wallace  
Fund ..... 275

Total ..... 659,744

**SOURCE OF FUNDS:**

(1) ASETF ..... 871,044

Total Debt Service ..... 871,044 871,044

**3. Board of Dental Scholarship  
Awards**

(a) Support of Other Educational  
Activities Program ..... 228,000

**Source of Funds:**

(1) ASETF ..... 228,000

Total Board of Dental Scholarship  
Awards ..... 228,000 228,000

(To be expended under the provi-  
sions of Act No. 662, (1977 Regu-  
lar Session.)

**4. Department of Education**

(a) Financial Assistance Program 227,249,395

The proposed spending plan for the  
above is as follows:

Vocational Education 48,678,717

(\$300,000 is to be used for Agribus-  
iness Center)

**SOURCE OF FUNDS:**

(1) ASETF ..... 48,678,717

(2) Federal and Local Funds .... 178,570,678

Total Financial Assistance Pro-  
gram ..... 48,678,717 178,570,678 227,249,395

The appropriation hereinabove for  
Vocational Education shall be  
disbursed or obligated in accord-  
ance with a formula adopted by  
the State Board of Education  
upon recommendation of the  
State Superintendent.

In the event proration should be-  
come necessary due to the loss of  
Federal Vocational Funds, each  
local board shall be reduced by  
his prorata share under the  
adopted State Board of Education  
formula.

Funds appropriated hereinabove  
shall not be expended by the



State Department of Education, local boards of education or institutions for contractual services to private profit agencies, organizations and institutions except for the purposes of the renovations, repair and rental of buildings and equipment. Two hundred thirty-two (232) additional area Vocational Education teacher units are herewith provided. Of the amount appropriated above for the fiscal year ending September 30, 1979, for distribution to local boards of education in addition to salary now received and all salary increments due, all vocational teachers shall receive salary increases as follows: Teachers holding Rank "AA" certificates not less than one thousand three hundred sixty dollars (\$1,360) per annum; Rank I teachers not less than one thousand two hundred forty-five dollars (\$1,245) per annum; Rank II teachers not less than one thousand one hundred thirty dollars (\$1,130) per annum; Rank III teachers not less than one thousand fifteen dollars (\$1,015) per annum; Rank IV teachers not less than nine hundred dollars (\$900) per annum for the regular academic year. Persons employed for ten, eleven, or twelve months shall receive an additional pro rata salary increase."

(b) Instructional Technical Assistance Program .....

7,231,665

The proposed spending plan for the above is as follows:

Civil Defense ..... 24,200  
 Drug Education ..... 181,500  
 Operation & Maintenance of Department ..... 331,681  
 Right-to-Read ..... 85,000  
 Career Education ..... 110,000  
 Kindergarten Adm. .... 85,000  
 Minimum Program—Trainable Retarded Children .... 524,307

National Defense ..... 399,300  
 Vocational Education .. 1,466,673  
 Alabama Learning Resource Center ..... 60,000

## SOURCE OF FUNDS:

|  |           |                  |           |
|--|-----------|------------------|-----------|
| (1) ASETF .....  | 3,267,661 |                  |           |
| (2) Federal and Local Funds ....                       |           | <u>3,964,004</u> |           |
| Total Instructional Technical Assistance Program ..... | 3,267,661 | 3,964,004        | 7,231,665 |

(The appropriation for Minimum Program—Trainable Retarded Children is the same appropriation as set out in Act No. 67, approved June 27, 1963, and shall be expended in accordance with that Act.)

|  |  |  |            |
|--|--|--|------------|
| (c) Local Agency Support Program ..... |  |  | 11,182,190 |
|--|--|--|------------|

The proposed spending plan for the above is as follows:

Coordination of In-School Television ..... 127,201  
 Driver Education, School Bus Driver Training and Vehicle Safety Inspection ..... 371,289  
 Operation & Maintenance of Department ..... 337,490  
 Testing ..... 425,000  
 Developing, Printing and Publishing Legal & Policy Manuals ..... 5,000  
 Free Textbooks ..... 8,602,500  
 Plans & Surveys ..... 90,150  
 Facilities Survey ..... 300,000

## SOURCE OF FUNDS:

|  |            |                |            |
|--|------------|----------------|------------|
| (1) ASETF .....                          | 10,258,630 |                |            |
| (2) Federal and Local Funds ....         |            | <u>923,560</u> |            |
| Total Local Agency Support Program ..... | 10,258,630 | 923,560        | 11,182,190 |

(d) Regulation Program ..... 834,432

The proposed spending plan for the above is as follows:

Operation & Maintenance of Department ..... 299,199

Teacher Certification & Accreditation ..... 242,000

SOURCE OF FUNDS:

|   |         |                |           |
|---|---------|----------------|-----------|
| (1) ASETF .....                           | 541,199 |                |           |
| (2) Federal and Local Funds ....          |         | <u>293,233</u> |           |
| Total Regulation Program .....            | 541,199 | 293,233        | 834,432   |
| (e) Administrative Services Program ..... |         |                | 8,173,141 |

The proposed spending plan for the above is as follows:

Compact for Education ... 15,750

Operation & Maintenance of Department ..... 1,600,043

Telephone Revolving Fund 900,000

Source of Funds:

|   |           |                  |           |
|---|-----------|------------------|-----------|
| (1) ASETF .....                             | 2,515,793 |                  |           |
| (2) Federal and Local Funds ....            |           | <u>5,657,348</u> |           |
| Total Administrative Services Program ..... | 2,515,793 | 5,657,348        | 8,173,141 |
| (f) Adult Basic Education Program .....     |           |                  | 5,660,599 |

The proposed spending plan for the above is as follows:

Adult Basic Education . 1,700,000

Community Education .. 100,000

Operation & Maintenance of Department ..... 15,052

Source of Funds:

|   |           |                  |           |
|---|-----------|------------------|-----------|
| (1) ASETF .....                           | 1,815,052 |                  |           |
| (2) Federal and Local Funds ....          |           | <u>3,845,547</u> |           |
| Total Adult Basic Education Program ..... | 1,815,052 | 3,845,547        | 5,660,599 |
| (g) Continuing Education Program .....    |           |                  | 777,323   |

The proposed spending plan for the above is as follows:

Operation & Maintenance of Department ..... 20,862

Administration of Private School Act ..... 49,500

Source of Funds:

|  |              |                   |            |
|--|--------------|-------------------|------------|
| (1) ASETF .....  | 70,362       |                   |            |
| (2) Federal and Local Funds ....   |              | <u>706,961</u>    |            |
| Total Continuing Education Program .....   | 70,362       | 706,961           | 777,323    |
| (h) Administration of Post-Secondary Vocational-Technical Education Program .....  |              |                   | 9,243      |
| The proposed spending plan for the above is as follows:  |              |                   |            |
| Operations & Maintenance of Dept. ....   | 9,243        |                   |            |
| SOURCE OF FUNDS:   |              |                   |            |
| (1) ASETF .....  | <u>9,243</u> |                   |            |
| Total Admin. of Post-Secondary Vocational-Technical Education Program .....  | 9,243        |                   | 9,243      |
| (i) Administration of Junior College School System Program ..  |              |                   | 9,243      |
| The proposed spending plan for the above is as follows:  |              |                   |            |
| Operation & Maintenance of Department .....  | 9,243        |                   |            |
| SOURCE OF FUNDS:   |              |                   |            |
| (1) ASETF .....  | <u>9,243</u> |                   |            |
| Total Adm. of Junior College School System Program .....   | 9,243        |                   | 9,243      |
| (j) Rehabilitation Services Program .....  |              |                   | 32,839,711 |
| SOURCE OF FUNDS:   |              |                   |            |
| (1) ASETF .....  | 7,097,000    |                   |            |
| (2) Federal and Local Funds ....   |              | <u>25,742,711</u> |            |
| Total Rehabilitation Services Program .....  | 7,097,000    | 25,742,711        | 32,839,711 |
| (Of the above appropriation the sum of \$200,000 is to be expended for handicapped recreational programs, primarily at year-round camping facilities, as contracted through the Division of Vocational Rehabilitation and Crippled Children, State Dept. of Education. |              |                   |            |
| (k) Hemophilia Program .....   |              |                   | 300,000    |
| SOURCE OF FUNDS:   |              |                   |            |

## REGULAR SESSION

1905

|   |                  |                  |           |
|---|------------------|------------------|-----------|
| (1) ASETF .....   | <u>300,000</u>   |                  |           |
| Total Hemophilia Program .....  | 300,000          |                  | 300,000   |
| (As provided for under Act 1181,<br>1975 Regular Session.)  |                  |                  |           |
| (1) Homebound Program .....   |                  |                  | 2,900,000 |
| SOURCE OF FUNDS:  |                  |                  |           |
| (1) ASETF .....   | <u>2,900,000</u> |                  |           |
| Total Homebound Program .....   | 2,900,000        |                  | 2,900,000 |
| (The above appropriation is to be<br>expended in accordance with Act<br>No. 109, Third Special, 1975, ap-<br>proved May 1, 1975.) |                  |                  |           |
| (m) Disability Determination for<br>Social Security Program .....   |                  |                  | 7,549,812 |
| SOURCE OF FUNDS:  |                  |                  |           |
| (1) Federal and Local Funds ....  |                  | <u>7,549,812</u> |           |
| Total Disability Determination for<br>Social Security Program .....   |                  | 7,549,812        | 7,549,812 |
| (n) Crippled Children Services<br>Program .....   |                  |                  | 7,066,190 |
| SOURCE OF FUNDS:  |                  |                  |           |
| (1) ASETF .....   | 4,303,690        |                  |           |
| (2) Federal and Local Funds ....  |                  | <u>2,762,500</u> |           |
| Total Crippled Children Services<br>Program .....   | 4,303,690        | 2,762,500        | 7,066,190 |
| (o) Manpower Development and<br>Employment .....  |                  |                  | 5,894,844 |
| The proposed spending plan for the<br>above is as follows:  |                  |                  |           |
| Operation & Maintenance of De-<br>partment .....  | 17,958           |                  |           |
| Comprehensive Employment &<br>Training .....  | 484,000          |                  |           |
| Source of Funds:  |                  |                  |           |
| (1) ASETF .....   | 501,958          |                  |           |
| (2) Federal and Local Funds ....  |                  | <u>5,392,886</u> |           |
| Total Manpower Development and<br>Employment Opportunities Pro-<br>gram .....   | 501,958          | 5,392,886        | 5,894,844 |
| (p) Planning and Coordination<br>Services Program .....   |                  |                  | 180,000   |
| The proposed spending plan for the<br>above is as follows:  |                  |                  |           |

Southern Regional Educational  
Board ..... 180,000

SOURCE OF FUNDS:

(1) ASETF ..... 180,000

Total Planning & Coordination  
Services Program ..... 180,000 180,000

(q) Support of State Universities  
Program ..... 10,000

The proposed spending plan for the  
above is as follows:

Education of Dependents of Blind  
Parents ..... 10,000

SOURCE OF FUNDS:

(1) ASETF ..... 10,000

Total Support of State Universities  
Program ..... 10,000 10,000

(For reimbursement of every State  
Institution of Higher Learning,  
College, University, or State  
Trade School or Junior College,  
in which benefits are given to de-  
pendents of blind parents under  
the provisions of Act No. 281,  
1966 Special Session.)

(r) Emergency Medical Service  
Education Program ..... 1,500,000

To be distributed by the Depart-  
ment of Education as follows:

(1) West Alabama Emergency  
Medical Services, Inc. .... 307,000

(2) Birmingham Regional Emer-  
gency Medical Services System ..... 292,000

(3) North Alabama Emergency  
Medical Services, Inc. .... 277,000

(4) Southeast Alabama Emer-  
gency Medical Services Systems,  
Inc. .... 277,000

(5) East Alabama Emergency  
Medical Services, Inc. .... 227,000

(6) Southwest Alabama Emer-  
gency Medical Services Council,  
Inc. .... 120,000

The amounts herein appropriated  
shall be used for the operation  
and maintenance of the various

medical services programs  
named and for the purchase of  
instructional supplies and in-  
structional equipment for such  
programs.

## SOURCE OF FUNDS:

(1) ASETF ..... 1,500,000

|  |           |  |           |
|--|-----------|--|-----------|
| Total Emergency Medical Service<br>Education Program ..... | 1,500,000 |  | 1,500,000 |
|--|-----------|--|-----------|

## SOURCE OF FUNDS:

(1) ASETF ..... 83,958,548

(2) Federal and Local Funds .... 235,409,240

|                                  |            |             |             |
|----------------------------------|------------|-------------|-------------|
| Total Department of Education .. | 83,958,548 | 235,409,240 | 319,367,788 |
|----------------------------------|------------|-------------|-------------|

## 5. Examiners of Public Accounts

|   |  |  |           |
|---|--|--|-----------|
| (a) Legislative Support-Audit Ser-<br>vices Program ..... |  |  | 1,000,000 |
|---|--|--|-----------|

For purposes of auditing all phases  
of public education.

## SOURCE OF FUNDS:

(1) ASETF ..... 1,000,000

|   |           |  |           |
|---|-----------|--|-----------|
| Total Examiners of Public Ac-<br>counts ..... | 1,000,000 |  | 1,000,000 |
|---|-----------|--|-----------|

## 6. Alabama School of Fine Arts

|                             |  |  |         |
|-----------------------------|--|--|---------|
| (a) Fine Arts Program ..... |  |  | 891,855 |
|-----------------------------|--|--|---------|

## SOURCE OF FUNDS:

(1) ASETF ..... 800,000

(2) Federal and Local Funds .... 91,855

|                                   |         |        |         |
|-----------------------------------|---------|--------|---------|
| Total Alabama School of Fine Arts | 800,000 | 91,855 | 891,855 |
|-----------------------------------|---------|--------|---------|

7. Alabama Firefighters' Person-  
nel Standards and Education  
Commission

|  |  |  |         |
|--|--|--|---------|
| (a) Professional and Occupational<br>Licensing & Regulation Pro-<br>gram ..... |  |  | 150,000 |
|--|--|--|---------|

## SOURCE OF FUNDS:

(1) ASETF ..... 150,000

|  |         |  |         |
|--|---------|--|---------|
| Total Alabama Firefighters' Per-<br>sonnel Standards and Education<br>Commission ..... | 150,000 |  | 150,000 |
|--|---------|--|---------|

## 8. Health Department

|  |  |  |         |
|--|--|--|---------|
| (a) Health Support Services Pro-<br>gram ..... |  |  | 500,000 |
|--|--|--|---------|

For immunization of pre-school children and students and for public school food sanitation

(b) For the Division of Maternal and Child Health ..... 200,000

(Provided, however, that the above appropriation shall be expended only for the development of a perinatal program whose expenditure guidelines shall be developed in conjunction with the Perinatal Advisory Committee of the State Committee of Public Health. Such guidelines shall be comprehensive enough to serve as a statewide perinatal plan in meeting Federal matching requirements.)

Source of Funds:

|                               |         |         |
|-------------------------------|---------|---------|
| (1) ASETF .....               | 700,000 |         |
| Total Health Department ..... | 700,000 | 700,000 |

9. Commission on Higher Education

|  |  |           |
|--|--|-----------|
| (a) Planning & Coordination Services Program and Support of Other Educational Activities Program ..... |  | 3,001,230 |
|--|--|-----------|

SOURCE OF FUNDS:

|  |           |                  |           |
|--|-----------|------------------|-----------|
| (1) ASETF .....                            | 1,725,400 |                  |           |
| (2) Federal and Local Funds ....           |           | <u>1,275,830</u> |           |
| Total Commission on Higher Education ..... | 1,725,400 | 1,275,830        | 3,001,230 |

No salary of any employee of the Commission shall exceed the salary paid to the State Superintendent of Education.)

(To be expended in accordance with Act No. 14, 1969 Special Session.)

10. Alabama Board of Nursing:

|  |         |
|--|---------|
| (a) Professional and Occupational Licensing and Regulation Program ..... | 542,891 |
|--|---------|

SOURCE OF FUNDS:

|  |        |
|--|--------|
| (1) ASETF as provided in Act No. 68, 1977 Special Session. Scholarships for Graduate Nurses .. | 57,000 |
| (2) Alabama Board of Nursing   |        |



|  |                  |                   |            |
|--|------------------|-------------------|------------|
| Trust Fund as provided in Title 34, Chapter 21, Code of Alabama 1975, as amended ..... |                  |                   |            |
|  |                  | <u>485,891</u>    |            |
| Total Alabama Board of Nursing   | 57,000           | 485,891           | 542,891    |
| II. Alabama Historical Commission  |                  |                   |            |
| (a) Historical Resource Management Program .....                                       |                  |                   | 100,000    |
| SOURCE OF FUNDS:   |                  |                   |            |
| (1) ASETF .....  | <u>100,000</u>   |                   |            |
| Total Alabama Historical Commission .....  | 100,000          |                   | 100,000    |
| Of the Above appropriation, \$15,000 shall be used for Live in a Landmark.             |                  |                   |            |
| 12. Alabama Industrial Development Training Institute                                  |                  |                   |            |
| (a) Industrial Training Program .  |                  |                   | 1,885,752  |
| SOURCE OF FUNDS:   |                  |                   |            |
| (1) ASETF .....  | <u>1,885,752</u> |                   |            |
| Total Alabama Industrial Development Training Inst. ....                               | 1,885,752        |                   | 1,885,752  |
| 13. Junior College School System   |                  |                   |            |
| (a) Academic Instruction and Institutional Support Program ...                         |                  |                   | 69,648,063 |
| SOURCE OF FUNDS:   |                  |                   |            |
| (1) ASETF .....  | 41,350,000       |                   |            |
| (2) Federal and Local Funds ....   |                  | 9,050,476         |            |
| (3) State Funds .....  |                  | 245,787           |            |
| (4) Other Funds .....  |                  | <u>19,001,800</u> |            |
| Total Academic Instruction and Institutional Support Program ...                       | 41,350,000       | 28,298,063        | 69,648,063 |

For operation and maintenance of the Junior Colleges listed below to be distributed on a formula adopted by the State Board of Education. The sum of three hundred thousand dollars (\$300,000) to each junior college listed below. The remainder of the appropriation is to be allotted to each such junior college in accordance with its percentage of the total credit hours attempted for the four quarters of the school year 1977-78 by all such junior colleges. Continuing education unit hours shall be excluded from the computations herein required.

(The above appropriation is to be distributed to the following Junior Colleges: (1) Alexander City State Junior College; (2) S. D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State

Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George Corley Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace Community College at Hanceville.)

Of the above appropriations contained herein in Section 3, paragraph A-14 not more than the sum of \$300,000 may be used by the State Board of Education for administration of the State junior college program.

Of the amount herein appropriated above for the fiscal year ending September 30, 1979, the following salary increases, in addition to salary now received and all salary increments due, shall be granted by ranks to all full-time instructors, librarians and counselors: Rank I/B & C not less than one thousand one hundred thirty dollars (\$1,130) per annum; Rank I/A not less than one thousand two hundred forty-five dollars (\$1,245) per annum; Rank II not less than one thousand three hundred sixty dollars (\$1,360) per annum; Rank III not less than one thousand four hundred seventy-five dollars (\$1,475) per annum; Rank IV not less than one thousand five hundred ninety dollars (\$1,590) per annum for the regular academic year. Persons employed for ten, eleven, or twelve months shall receive an additional pro rata salary increase."

Of the amount herein appropriated above for this fiscal year ending September 30, 1979, the following salary increases in addition to salary now received and all salary increments due, shall be granted by ranks to all full-time professional staff that are not classified as an instructor, counselor or librarian; a salary increase equal to the same percentage increase of their present salaries as the percentage salary increase that the instructors, counselors and librarians will receive to their present salary.

#### 14. Alabama Law Institute

|   |         |
|---|---------|
| (a) Support of Other Educational Activities Program ..... | 189,000 |
|---|---------|

#### SOURCE OF FUNDS:

|                                  |                |         |
|----------------------------------|----------------|---------|
| (1) ASETF .....                  | <u>189,000</u> |         |
| Total Alabama Law Institute .... | 189,000        | 189,000 |

#### 16. Public Library Service

|  |           |
|--|-----------|
| (a) Public Library Service Program ..... | 4,329,066 |
|--|-----------|

#### SOURCE OF FUNDS:

|  |           |                  |
|--|-----------|------------------|
| (1) ASETF .....  | 3,250,000 |                  |
| (2) ASETF for equipment purchases for physically handicapped and blind ..... | 47,000    |                  |
| (3) Federal and Local Funds ....   |           | <u>1,032,066</u> |

|                                       |           |           |           |
|---------------------------------------|-----------|-----------|-----------|
| Total Public Library Services . . . . | 3,297,000 | 1,032,066 | 4,329,066 |
|---------------------------------------|-----------|-----------|-----------|

17. Marine Environmental Sciences Consortium

|   |  |  |         |
|---|--|--|---------|
| (a) Support of other Educational Activities Program . . . . . |  |  | 778,750 |
|---|--|--|---------|

SOURCE OF FUNDS:

|                                     |         |                |  |
|-------------------------------------|---------|----------------|--|
| (1) ASETF . . . . .                 | 568,750 |                |  |
| (2) Federal and Local Funds . . . . |         | 60,000         |  |
| (3) University of Alabama . . . . . |         | <u>150,000</u> |  |

|  |         |         |         |
|--|---------|---------|---------|
| Total Marine Environmental Sciences Consortium . . . . . | 568,750 | 210,000 | 778,750 |
|--|---------|---------|---------|

18. Medical Scholarships Board

|   |  |  |         |
|---|--|--|---------|
| (a) Support of other Educational Activities Program . . . . . |  |  | 702,000 |
|---|--|--|---------|

SOURCE OF FUNDS:

|                     |                |  |  |
|---------------------|----------------|--|--|
| (1) ASETF . . . . . | <u>702,000</u> |  |  |
|---------------------|----------------|--|--|

|                                 |         |  |         |
|---------------------------------|---------|--|---------|
| Total Medical Scholarship Board | 702,000 |  | 702,000 |
|---------------------------------|---------|--|---------|

(To be expended under the provisions of Act No. 663, 1977 Regular Session.)

19. Minimum Program

|                                  |  |  |             |
|----------------------------------|--|--|-------------|
| (a) Financial Assistance Program |  |  | 585,999,694 |
|----------------------------------|--|--|-------------|

SOURCE OF FUNDS:

|                                  |             |                  |  |
|----------------------------------|-------------|------------------|--|
| (1) ASETF . . . . .              | 562,323,209 |                  |  |
| (2) Public School Fund . . . . . |             | 19,000,000       |  |
| (3) Local Effort . . . . .       |             | <u>4,676,485</u> |  |

|                                |             |            |             |
|--------------------------------|-------------|------------|-------------|
| Total Minimum Program Fund . . | 562,323,209 | 23,676,485 | 585,999,694 |
|--------------------------------|-------------|------------|-------------|

(aa) To be distributed by the State Board of Education for:

|  |             |  |  |
|--|-------------|--|--|
| Local Boards . . . . .                           | 485,910,244 |  |  |
| Board of Adjustment Awards . . . .               | 150,000     |  |  |
| Teachers Sick Leave . . . . .                    | 3,890,178   |  |  |
| Teachers Personal Leave . . . . .                | 1,296,726   |  |  |
| Hospital-Medical Insurance Assistance . . . . .  | 9,427,961   |  |  |
| Funds to Replace Fees . . . . .                  | 11,441,700  |  |  |
| Maintenance . . . . .                            | 6,000,000   |  |  |
| Sick Leave for Support Personnel                 | 800,000     |  |  |
| Additional for Special Education .               | 25,550,000  |  |  |
| Salary Increases for Lunchroom Workers . . . . . | 7,747,000   |  |  |

|                                       |           |
|---------------------------------------|-----------|
| Insurance for Support Staff . . . . . | 6,300,000 |
| Libraries . . . . .                   | 3,809,400 |

The Minimum Program Fund, which in accordance with the statutes and regulations of the State Board of Education relating to the expenditure of such funds, shall be used for providing a minimum term and for the equalization of educational opportunity in the public schools of the State. Provided further, that in no case shall a term of less than nine months in tax districts be approved, except that the State Board of Education, upon the recommendation of the State Superintendent of Education shall be authorized to make full allotments of funds to any school system for the time actually taught, if in the judgement of the State Superintendent of Education and the State Board of Education unusual conditions beyond the control of the local Board of Education in any school are such as to prevent the operation of that school for the required nine months minimum term; provided further, that the amount herein appropriated for the Minimum Program Fund shall include all monies earmarked for public school teachers' salaries as provided in the Income Tax amendment ratified on the 26th day of August, 1947. The Minimum Program Fund shall also include any other appropriations of funds either State or Federal, which may be designated by the Legislature as a part of the Minimum Program Fund.

(bb) Of the total teacher units provided for exceptional children, twenty-five (25) may be used in early education programs for exceptional children and twenty-five (25) may be used in regional multi-systems, and/or state-wide programs for exceptional children. In addition to the regular units allocated in the Minimum Program, the same number of teacher units as provided for the school year 1977-78, six hundred fifty (650) are provided for the reduction of the class size in grades 1-6. The Alabama Education Study Commission and the State Department of Education shall have the authority to insure that the intent of the Legislature is implemented.

All special education units other than the early childhood and multi-system units, and units to reduce the number of pupils in grades 1-6 shall be allocated to local school systems on the basis of enrollment. Units earned by a system on this basis which are not used by such system may not be reallocated to other systems except those units necessary to guarantee school systems not less than the number of units allocated to them during the 1977-78 school year. In addition to the three thousand two hundred fifty (3,250) special units now provided through the minimum program, there is hereby provided the sum of 25 million, five hundred and fifty thousand dollars (\$25,550,000) to be used in the area of special education. As much as three (3) percent of the above \$25,550,000 may be distributed by the Board of Education to the Alabama Institute for Deaf and Blind to implement the purposes of Act 106 and P. L. 94-142. The funds to provide for this program are included under the programmatic appropriations of Section 20 (aa) Minimum Program and the wording of this section (bb) is for explanation purposes only and is not intended to be construed to be a second funding. Of the \$25,550,000 for Special Education, \$1,037,733 shall be earmarked for Vocational Education for the Handicapped to meet matching requirements of Federal legislation (P. L. 94-482.) The remaining funds of this category shall be allocated by the State Board of Education on a formula developed by the State Superintendent of Education and his staff. Each local board of education shall submit a proposal to the State Superintendent of Education for the use of funds allocated to its system which must be approved by the State

Superintendent of Education before such funds are disbursed. The proposals may include, but are not limited to, and or all of the following: (1) Additional teachers, (2) Teacher Aides, (3) Materials, supplies and instructional equipment, (4) Modifications and renovations of buildings (including eliminations of architectural barriers).

Job descriptions and qualifications of teacher aides shall be determined by the State Superintendent of Education. Also none of the teacher unit positions may be filled by teachers not certified as qualified Special Education teachers.

The State Superintendent, through his staff, shall monitor programs to assure that the purposes for which these funds are provided are carried out on the approved plan.

In addition to the above appropriation to exceptional children there is hereby appropriated \$5,000,000 which is conditional upon the condition of the Alabama Special Education Trust Fund and upon approval of the Governor.

Three hundred eighty (380) additional kindergarten units are herewith provided for the phasing in of the kindergarten program during the specified fiscal year and shall be dispersed with the kindergarten teacher units being at least equal to the amount received by the respective local school boards during the preceding fiscal year. In addition thereto, all local school boards shall receive all kindergarten teacher units now supplied by federal funds if these programs continue to be federally funded.

(cc) Three hundred dollars (\$300) per teacher unit for grades K-12 is herein above appropriated to the State Board of Education for all teachers employed (except ESEA Title I, Title III and Title IV teachers and ESAA teachers) and shall be allocated to each county and city board of education for the purchase of instructional supplies, materials, and equipment excluding furniture and fixtures. From the funds provided herein above, each local county and city board of education shall allocate to the schools in their respective systems an amount based on \$300 for each teacher unit assigned to each school. With each faculty member being given an opportunity for input, the faculty and principal shall cooperatively develop a budget for instructional supplies and materials and, by majority vote, approve a budget for the school. It is the intent of the Legislature that the specified amount shall be available for each teacher for materials and supplies for that teacher's students; provided, however, any teacher may sign a waiver releasing said funds for joint purchases within the school. No board of education shall withhold from any school any funds to which they are entitled under the provisions of this Act. Based on this budget, the faculty shall submit to the superintendent the amount to be allotted to each teacher to be spent for agreed upon items and other amounts to be used for the common good of all for the operation of the instructional program within the school. The local school board shall issue requisitions for purchases from these funds and shall issue purchase orders and handle all financial transactions in compliance with this section. It is the intent of the legislature that no fees shall be collected in the future in courses required for graduation. In courses not required for graduation, local schools boards may set reasonable fees for courses requiring laboratory and shop materials and equipment; provided, however, such fees shall be waived for students who cannot afford to pay the fees. Any funds collected in fees shall be spent on the course for which the fee was levied. This section shall not be construed to prohibit community groups or clubs from fund raising ac-

tivities; provided, however, that students shall not be required to participate in such fund raising activities. Any funds provided herein not expended during the fiscal year shall revert to the Alabama Special Educational Trust Fund.

(dd) It is provided that in addition to all units earned by the local school system under the Minimum program Fund calculation one (1) extra unit or fraction thereof shall be awarded for each aggregate of fifteen (15) units or fraction thereof earned in said Minimum Program Fund calculation on regular units. The local school system shall assign to each school within the system at least the number of teacher units earned by that school using the Minimum Program Fund calculation and the additional units earned through the one (1) to fifteen (15) ratio as set forth herein. No school system may reduce the amount of money expended from local funds for teachers during the school year 1977-78 except in instances where all schools within the system are accredited or have met every requirement of accreditation with respect to teacher/pupil ratios or that where there has been a decrease in school population to justify such reduction. The local school system shall furnish the State Department of Education and the Education Study Commission such information as may be necessary to determine that the provisions of this section have been implemented. These agencies shall jointly report to the State Board of Education the implementation of the above provisions by December 31, 1978 and to the Legislature by the first legislative day of the next regular session.

(ee) The appropriation hereinabove made to the Minimum Program Fund provides for two (2) days personal leave at \$17.00 per teacher unit for each teacher employed (except ESEA Title I, Title III and Title IV teachers and ESAA teachers) to be granted upon request of the teacher and administered by the State Board of Education and by local school boards under procedures governing sick leave for the fiscal year ending September 30, 1979.

(ff) Of the appropriation hereinabove made to the Minimum Program, there is hereby appropriated the sum of two hundred forty-seven dollars and twenty cents (\$247.20) per annum per teacher, administrative, or supervisory unit as located under the Minimum Program, Vocational Education Program and any other units paid from State or local funds to provide hospital-medical insurance assistance. No portion of the funds herein appropriated for employee hospital-medical insurance may be used to pay premiums for any group insurance policy that is available only to members of any private organization.

Provided, further, that any professional employee eligible for hospital-medical assistance who may be subject to coordination of benefits because of their coverage for hospital-medical assistance by carrier other than those selected under this Act, be protected from such coordination of benefits to the extent provided by regulation #56 of Alabama Department of Insurance. It being the intent of this appropriation to provide hospital-medical insurance assistance to those qualified professional employees in the amount set forth in this appropriation and such insurance coverage not to be subject to coordination of benefits.

The funds hereinabove shall be made available to local boards of education with a majority of the local participating professional employees selecting the plan(s) and the carrier(s) of the hospital-medical insurance in that system. Any funds not used in the fiscal year shall revert to the Alabama Special Educational Trust Fund.

(gg) Of the appropriation hereinabove made to the Minimum Program there is hereby appropriated the sum of two hundred forty-seven dollars and twenty cents (\$247.20) per annum per full-time support person (defined in sub-section ii) employed by any local board of education or by any school under the local board's jurisdiction to provide hospital-medical insurance assistance, provided however that only adult school bus drivers are included and coverage is not included for student school bus drivers.

Provided, further, that any employee eligible for hospital-medical assistance who may be subject to coordination of benefits because of their coverage for hospital-medical assistance by carrier other than those selected under this Act, be protected from such coordination of benefits to the extent provided by regulation #56 of Alabama Department of Insurance. It being the intent of this appropriation to provide hospital-medical insurance assistance to those qualified employees in the amount set forth in this appropriation and such insurance coverage not to be subject to coordination of benefits.

The funds hereinabove shall be made available to local boards of education with a majority of the local participating support personnel selecting the plan(s) and the carrier(s) of the hospital-medical insurance in that system. Any funds not used in the fiscal year shall revert to the Alabama Special Educational Trust Fund.

(hh) In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

The amount necessary for the payment of Board of Adjustment awards in accordance with the Minimum Program statutes and regulations.

For "Other Current Expenses" a sum not to exceed \$2,204.75 for each earned teacher unit.

For Principal Supplement the sum shall not exceed \$100.00 for each earned teacher unit.

For Capital Improvements the sum shall not exceed \$64.87 for each earned teacher unit.

Sick leave days shall be paid at the rate of not more than \$17.00 per day. The salary allotment shall be made in accordance with the schedule set out hereinabove.

The above appropriation contained in sub-section (a) Local Boards shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of \$38,066,490.00.

The appropriation hereinabove set out for the fiscal year 1978-79 is based on 31,736 teacher units.

It is provided in the event there are more than 31,736 earned teacher units for the fiscal year 1978-79, then such amounts as are necessary to pay for these excess teacher units is hereby appropriated.

It is further provided that in the event that there be less earned teacher units than those set out above than the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid.

The appropriations hereinabove made for maintenance is to be allocated for repairs and renovation of the various school systems based on an earned teacher unit basis.

(ii) It is provided that from the appropriation hereinabove made the State Board of Education shall provide beginning with the fiscal year ending September 30, 1979, that in addition to all salary now received and all local increments due, all teachers under the Minimum Program shall receive salary increases as follows:

Teachers holding Rank "AA" certificates not less than one thousand three hundred sixty dollars (\$1,360) per annum; Rank I teachers not less than one thousand two hundred forty-five dollars (\$1,245) per annum; Rank II teachers not less than one thousand one hundred thirty dollars (\$1,130) per annum; Rank III teachers not less than one thousand fifteen dollars (\$1,015) per annum; Rank IV teachers not less than nine hundred dollars (\$900) per annum. These increases are for teachers with one hundred eighty-day contracts. Additional pro rata salary increases shall be granted for teachers whose contracts extend beyond one hundred eighty days. All teachers employed from funds other than the Minimum Program shall receive equal compensation based upon the rank of certificate. Any county or city board of education failing to comply herewith shall not be entitled to share in the Minimum Program.

In addition to all salary now received and all local increments due for the 1978-79 school year, all full-time employees of city and county boards of education and all full-time employees in the school under their jurisdiction with the exception of those persons listed on the official Teachers' Institute List shall receive a salary increase of not less than five hundred dollars (\$500) per annum for nine months employment.

Personnel employed for more than nine months shall receive additional pro rata increases. Full-time support personnel shall be defined as those support personnel working at least six hours per day. Those support personnel working less than six hours per day shall receive pro rata increases based on the number of hours worked per day. All adult school bus drivers shall receive a salary increase of not less than five hundred dollars (\$500) per annum and all student school bus drivers shall receive a salary increase of not less than three hundred dollars (\$300) per annum and any county or city board of education failing to comply herewith shall not be entitled to share in the Minimum Program Fund.

Each local board of education shall have the following options as to how the salary increases shall be distributed:

- 1) Across the currently used pay periods for the school year or
- 2) Across the summer months payable in equal installments.

(jj) From the appropriation distributed by the State Board of Education for libraries, each public school system of the state shall receive \$5.00 per student enrolled for 1978. This appropriation shall be expended under rules and regulations approved by the State Board of Education.

(kk) The \$800,000 appropriated in Section 20, (aa) is to provide sick leave for support personnel in accordance with Act No. 208, 1977 Regular Session of the Alabama Legislature.

## 20. Alabama Occupational Information System



|   |  |  |         |
|---|--|--|---------|
| (a) Employment and Social Opportunities Program ..... |  |  | 590,051 |
|---|--|--|---------|

## SOURCE OF FUNDS:

|                                   |         |                |  |
|-----------------------------------|---------|----------------|--|
| (1) ASETF .....                   | 200,000 |                |  |
| (2) Federal and Local Funds ..... |         | <u>390,051</u> |  |

|   |         |         |         |
|---|---------|---------|---------|
| Total Alabama Occupational Information System ..... | 200,000 | 390,051 | 590,051 |
|---|---------|---------|---------|

## 21. Alabama Peace Officers Standards and Training Commission

|  |  |  |        |
|--|--|--|--------|
| (a) Professional and Occupational Licensing and Regulation Program ..... |  |  | 80,000 |
|--|--|--|--------|

|   |  |  |         |
|---|--|--|---------|
| (b) Certified Law Enforcement Academy Program ..... |  |  | 246,200 |
|---|--|--|---------|

|                                     |         |  |  |
|-------------------------------------|---------|--|--|
| Jacksonville State University ..... | .61,550 |  |  |
|-------------------------------------|---------|--|--|

|                             |         |  |  |
|-----------------------------|---------|--|--|
| University of Alabama ..... | .61,550 |  |  |
|-----------------------------|---------|--|--|

|                                  |         |  |  |
|----------------------------------|---------|--|--|
| James H. Faulkner, Jr. Col. .... | .61,550 |  |  |
|----------------------------------|---------|--|--|

|                              |         |  |  |
|------------------------------|---------|--|--|
| Troy State Univ. Montg. .... | .61,550 |  |  |
|------------------------------|---------|--|--|

## SOURCE OF FUNDS:

|                 |                |  |  |
|-----------------|----------------|--|--|
| (1) ASETF ..... | <u>326,200</u> |  |  |
|-----------------|----------------|--|--|

|   |         |  |         |
|---|---------|--|---------|
| Total Alabama Peace Officers Standards and Training Com. .. | 326,200 |  | 326,200 |
|---|---------|--|---------|

All parts of the act establishing ALABAMA LAW ENFORCEMENT PLANNING AGENCY as an administrative agency in the Executive Branch of the State of Alabama shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law except section 1-103 on page 7 line 17 and ending on page 8 line 10 and this Section 1-103 shall not become effective until December 31, 1979.

## 22. Commission on Physical Fitness

|                                  |  |  |        |
|----------------------------------|--|--|--------|
| (a) Advisory Services Program .. |  |  | 83,000 |
|----------------------------------|--|--|--------|

## SOURCE OF FUNDS:

|                 |               |  |  |
|-----------------|---------------|--|--|
| (1) ASETF ..... | <u>83,009</u> |  |  |
|-----------------|---------------|--|--|

|  |        |  |        |
|--|--------|--|--------|
| Total Commission on Physical Fitness ..... | 83,000 |  | 83,000 |
|--|--------|--|--------|

23. Post-Secondary Vocational-  
Technical Education System ...(a) Instruction and Institutional  
Support Program .....

47,972,443

## Source of Funds:

(1) ASETF ..... 34,451,521

(2) Federal and Local Funds .... 815,457

(3) Other Funds ..... 12,705,465

## Total Post-Secondary Vocational-

Technical Education System ... 34,451,521 13,520,922 47,972,443

For the operations and maintenance of the Vocational Technical Schools listed below, to be distributed in accordance with a formula adopted by the State Board of Education.

(The above appropriation is to be distributed to the following Vocational-Technical Schools: (1) Atmore State Technical Institute; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College-Technical Branch; (7) Carver State Technical Trade School; (8) J. F. Drake State Technical School; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Vocational School; (12) Theodore A. Lawson State Community College-Technical Branch; (13) Douglas McArthur State Technical College; (14) Muscle Shoals Technical Institute; (15) Northwest Alabama State Technical College; (16) N. F. Nunnelle State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncey Sparks State Technical College; (23) Council Trenholm State Technical College; (24) Tuscaloosa State Technical College; (25) Walker County State Trade School; (26) George Corley Wallace State Community College-Technical Branch (Selma); (27) George C. Wallace State Community College-Technical Branch (Dothan); (28) George C. Wallace State Technical Community College (Hanceville).

Of the amount herein appropriated above for this fiscal year ending September 30, 1979, the following salary increases in addition to salary now received and all salary increments due, shall be granted by ranks to all full-time professional staff that are not classified as an instructor, counselor or librarian; a salary increase equal to the same percentage increase of their present salaries as the percentage salary increase that the instructors, counselors and librarians will receive to their present salary.

Of the amount appropriated above for the fiscal year ending September 30, 1979, the following salary increases shall be granted by ranks in addition to salary now received and all salary increments due to all full-time Instructors, Librarians and Counselors: Rank I/B & C not less than one thousand five hundred seven dollars (\$1,507) per annum, Rank I/A not less than one thousand six hundred sixty dollars (\$1,660) per annum; Rank II not less than one thousand eight hundred thirteen dollars (\$1,813) per annum; Rank III not less than one thousand nine hundred sixty-seven dollars (\$1,967) per annum; Rank IV not less than two thousand one hundred twenty dollars (\$2,120) per annum for twelve months employment. The salary schedule for

1978-79 for vocational-technical colleges shall be adjusted by the State Board of Education to make it equal to the salary schedule of junior colleges for appropriate ranks of certificates so that the technical college schedule has five ranks as does the junior college schedule. Personnel at vocational-technical colleges shall receive equity adjustments in their salary based on the new salary schedule in addition to the salary increases provided hereinabove.

The State Board of Education in providing equity salary adjustments as required in Act 637, Regular Session 1977, for instructors, librarians, and counselors employed as of October 1, 1977, in all technical colleges shall place all such personnel who have been employed at a technical college for at least ten (10) years at Rank IV, Step 5, of the Salary Schedule For Instructors, Librarians, and Counselors at State Community, Junior, and Technical Colleges. Those employed for at least seven (7) years but less than ten (10) years shall be placed no lower than Rank III, Step 5 of the schedule, and those employed for at least four (4) years but less than seven (7) years shall be placed no lower than Rank II, 5, of the schedule. All credit on the salary schedule granted a teacher at the time of employment shall be used in determining placement of the salary schedule as required hereinabove.

Of the above appropriations contained herein in Section 3, paragraph 19 not more than the sum of \$300,000 may be used by the State Board of Education for administration of the Vocational-Technical School Program.

#### 24. Social Security

|   |            |
|---|------------|
| (a) For State's share of Social Security, Estimated ..... | 47,249,440 |
|---|------------|

##### SOURCE OF FUNDS:

|                             |                   |            |
|-----------------------------|-------------------|------------|
| (1) ASETF .....             | <u>47,249,440</u> |            |
| Total Social Security ..... | 47,249,440        | 47,249,440 |

#### 25. Sports Hall of Fame

|   |        |
|---|--------|
| (a) Historical Resources Management Program ..... | 21,894 |
|---|--------|

##### Source of Funds:

|  |               |        |
|--|---------------|--------|
| (1) ASETF .....                              | —0—           |        |
| (2) Sports Hall of Fame Operating Fund ..... | <u>21,894</u> |        |
| Total Sports Hall of Fame .....              | —0—           | 21,894 |

#### 26. Alabama Education Study Commission

|                                  |         |
|----------------------------------|---------|
| (a) Advisory Services Program .. | 210,000 |
|----------------------------------|---------|

##### Source of Funds:

|  |                |         |
|--|----------------|---------|
| (1) ASETF .....                                | <u>210,000</u> |         |
| Total Alabama Education Study Commission ..... | 210,000        | 210,000 |

(To be used for educational studies

in accordance with Act No. 15,  
1969 Special Session.)

27. Teachers' Retirement System  
of Alabama

|  |             |
|--|-------------|
| (a) Retirement Systems Program,<br>Est. .... | 142,396,640 |
|--|-------------|

Source of Funds:

|  |             |
|--|-------------|
| (1) ASETF-Teachers' Retirement<br>System ..... | 140,297,462 |
|--|-------------|

|   |                  |
|---|------------------|
| (2) ASETF-Teachers' Special Pen-<br>sion Fund ..... | <u>2,099,178</u> |
|---|------------------|

|   |             |             |
|---|-------------|-------------|
| Total Retirement Systems Pro-<br>gram (State's Share) ..... | 142,396,640 | 142,396,640 |
|---|-------------|-------------|

The above appropriation shall be expended in accordance with the statutes and regulations now or hereafter existing relating to the expenditure of such Teachers' Retirement Fund. Provided that any increase in the above appropriations shall be made only after a thorough review and recommendation in writing by the Board of Control of the Retirement System, the Retirement Actuary, and the Budget Officer, and certified by them to the Governor.

28. State Tenure Commission

|                              |        |
|------------------------------|--------|
| (a) Regulation Program ..... | 10,000 |
|------------------------------|--------|

Source of Funds:

|                 |               |
|-----------------|---------------|
| (1) ASETF ..... | <u>10,000</u> |
|-----------------|---------------|

|                                 |        |        |
|---------------------------------|--------|--------|
| Total State Tenure Commission . | 10,000 | 10,000 |
|---------------------------------|--------|--------|

29. Educational TV Commission

|  |           |
|--|-----------|
| (a) Educational TV Services Pro-<br>gram ..... | 3,030,500 |
|--|-----------|

Source of Funds:

|                 |           |
|-----------------|-----------|
| (1) ASETF ..... | 2,155,508 |
|-----------------|-----------|

|                                  |                |
|----------------------------------|----------------|
| (2) Federal and Local Funds .... | <u>875,000</u> |
|----------------------------------|----------------|

|                               |           |         |           |
|-------------------------------|-----------|---------|-----------|
| Total Education TV Comm. .... | 2,155,500 | 875,000 | 3,030,500 |
|-------------------------------|-----------|---------|-----------|

30. Veterans Education Benefits

|   |           |
|---|-----------|
| (a) Administration of Veterans Af-<br>fairs Program ..... | 1,350,000 |
|---|-----------|

Source of Funds:

|                 |                  |
|-----------------|------------------|
| (1) ASETF ..... | <u>1,350,000</u> |
|-----------------|------------------|

|   |           |           |
|---|-----------|-----------|
| Total Veterans Educational Benefits ..... | 1,350,000 | 1,350,000 |
|---|-----------|-----------|

The above appropriation includes pro-rata administration costs of the Department of Veteran Affairs and for reimbursement to every State Institution of Higher Learning, College, University, or Junior College, in which benefits are given to veterans, their wives, widows, or children under the provision of Act No. 767, 1965 Reg. Ses.

### 31. John M. Will Journalism Scholarship Fund

|   |  |       |
|---|--|-------|
| (a) Support of other Educational Activities Program ..... |  | 1,000 |
|---|--|-------|

#### Source of Funds:

|                 |              |  |
|-----------------|--------------|--|
| (1) ASETF ..... | <u>1,000</u> |  |
|-----------------|--------------|--|

|  |       |       |
|--|-------|-------|
| Total John M. Will Journalism Scholarship Fund ..... | 1,000 | 1,000 |
|--|-------|-------|

### 32. Youth Services

|                                  |  |           |
|----------------------------------|--|-----------|
| (a) Youth Services Program ..... |  | 8,721,171 |
|----------------------------------|--|-----------|

#### Source of Funds:

|                                   |           |                  |
|-----------------------------------|-----------|------------------|
| (1) ASETF .....                   | 7,036,171 |                  |
| (2) Federal and Local Funds ..... |           | <u>1,685,000</u> |

|                            |           |           |           |
|----------------------------|-----------|-----------|-----------|
| Total Youth Services ..... | 7,036,171 | 1,685,000 | 8,721,171 |
|----------------------------|-----------|-----------|-----------|

Of the funds appropriated above, the following salary increases shall be granted to certified educators in addition to salary now received and all salary increments due. Educators holding Rank "AA" (masters & 30) certificates not less than one thousand eight hundred thirteen dollars (\$1,813) per annum; Rank I (Masters) educators not less than one thousand six hundred sixty dollars (\$1,660) per annum; Rank II (Bachelors) educators not less than one thousand five hundred seven dollars (\$1,507) per annum. These increases are for educators with twelve-month contracts. Pro rata salary increases shall be granted for educators whose contracts extend over nine, ten, or eleven months. These increases shall be paid all certified educators at DYS instead of those provided under House Bill 171.

(To be expended in accordance with Act No. 816, 1973 Reg. Ses. Of the above appropriation, Fifteen Thousand Dollars (\$15,000) shall be spent for the construction of a chapel on the campus at Mount Meigs. Provided however that of the above amount appropriated from the ASETF, the amount of \$125,000 shall be expended for capital outlay purposes at a licensed non-profit residential foster boarding house in Madison County, provided that such facility has existed for at least twenty (20) years.)

### 33. State Department of Public Health

|  |  |         |
|--|--|---------|
| (a) Emergency Medical Service<br>Education Program ..... |  | 426,750 |
|--|--|---------|

## SOURCE OF FUNDS:

|  |     |                |         |
|--|-----|----------------|---------|
| (1) ASETF .....                                  | —0— |                |         |
| (2) Federal and Local Funds ....                 |     | <u>426,750</u> |         |
| Total State Department of Public<br>Health ..... | —0— | 426,750        | 426,750 |

## Section 4.

B. NON-STATE EDUCATIONAL  
AGENCIES:

|  |  |       |
|--|--|-------|
| 1. American Legion Auxiliary<br>Scholarship Fund ..... |  | 3,000 |
|--|--|-------|

## Source of Funds:

|   |              |       |
|---|--------------|-------|
| (1) ASETF .....   | <u>3,000</u> |       |
| Total American Legion Auxiliary<br>Scholarship Fund ..... | 3,000        | 3,000 |

## 2. Birmingham Symphony

|                             |  |        |
|-----------------------------|--|--------|
| (a) Fine Arts Program ..... |  | 95,000 |
|-----------------------------|--|--------|

## Source of Funds:

|                               |               |        |
|-------------------------------|---------------|--------|
| (1) ASETF .....               | <u>95,000</u> |        |
| Total Birmingham Symphony ... | 95,000        | 95,000 |

3. Birmingham Training Center  
for Brain Injured Children

|   |  |        |
|---|--|--------|
| (a) Non-Institutional Treatment<br>and Care Program ..... |  | 30,000 |
|---|--|--------|

## Source of Funds:

|  |               |        |
|--|---------------|--------|
| (1) ASETF .....  | <u>30,000</u> |        |
| Total Birmingham Training Cen-<br>ter for Brain Injured Children . | 30,000        | 30,000 |

|                                 |  |        |
|---------------------------------|--|--------|
| 4. Alabama Shakespeare Festival |  | 12,500 |
|---------------------------------|--|--------|

## SOURCE OF FUNDS:

|   |               |        |
|---|---------------|--------|
| (1) ASETF .....                               | <u>12,500</u> |        |
| Total Alabama Shakespeare Festi-<br>val ..... | 12,500        | 12,500 |

|                                 |  |        |
|---------------------------------|--|--------|
| 4A. Alabama Film Festival ..... |  | 70,000 |
|---------------------------------|--|--------|

## SOURCE OF FUNDS:

|                               |               |        |
|-------------------------------|---------------|--------|
| (1) ASETF .....               | <u>70,000</u> |        |
| Total Alabama Film Commission | 70,000        | 70,000 |

5. East Alabama Regional Child  
Development Program

|   |         |         |         |
|---|---------|---------|---------|
| (a) Financial Assistance Program  |         |         | 255,373 |
| Source of Funds:  |         |         |         |
| (1) ASETF .....   |         |         |         |
| (2) Federal and Local Funds ....  | 200,000 | 55,373  |         |
| Total East Alabama Regional<br>Child Development Program ..                 | 200,008 | 55,373  | 255,373 |
| 6. Environmental Quality Associ-<br>ation                                   |         |         |         |
| (a) Environmental Education Pro-<br>gram .....                              |         |         | 200,000 |
| Source of Funds:  |         |         |         |
| (1) ASETF .....   | 200,000 |         |         |
| Total Environmental Quality As-<br>sociation .....                          | 200,000 |         | 200,000 |
| 7. Montgomery Institute for<br>Neurological Development                     |         |         |         |
| (a) Non-Institutional Treatment<br>and Care Program .....                   |         |         | 25,000  |
| Source of Funds:  |         |         |         |
| (1) ASETF .....   | 25,000  |         |         |
| Total Montgomery Institute of<br>Neurological Development ....              | 25,000  |         | 25,000  |
| 8. Opportunities Industrialization<br>Centers                               |         |         |         |
| (a) Manpower Development and<br>Employment Opportunities Pro-<br>gram ..... |         |         | 175,000 |
| Source of Funds:  |         |         |         |
| (1) ASETF .....   | 175,000 |         |         |
| Total Opportunities Industrializa-<br>tion Centers .....                    | 175,000 |         | 175,000 |
| 9. Sylacauga Nurses Training<br>School                                      |         |         |         |
| (a) Support of Other Educational<br>Activities Program .....                |         |         | 348,984 |
| SOURCE OF FUNDS:  |         |         |         |
| (1) ASETF .....   | 58,088  |         |         |
| (2) Federal and Local Funds ....  |         | 17,500  |         |
| (3) Other Funds .....   |         | 273,484 |         |
| Total Sylacauga Nurses Training<br>School .....                             | 58,000  | 290,984 | 348,984 |

(The above includes \$18,000 for Nursing Scholarships.)

(To be expended in accordance with Act No. 2393, 1971 Regular Session.)

10. Hall of Fame Bowl Game:

|                                  |        |
|----------------------------------|--------|
| (a) Tourism and Travel Promotion | 50,000 |
|----------------------------------|--------|

SOURCE OF FUNDS:

|                 |        |
|-----------------|--------|
| (1) ASETF ..... | 50,000 |
|-----------------|--------|

|                                 |        |        |
|---------------------------------|--------|--------|
| Total Hall of Fame Bowl Game .. | 50,000 | 50,000 |
|---------------------------------|--------|--------|

11. Bridge Drug Alert Center at Gadsden:

|   |        |
|---|--------|
| (a) Drug Abuse Education and Rehabilitation ..... | 10,000 |
|---|--------|

SOURCE OF FUNDS:

|                 |        |
|-----------------|--------|
| (1) ASETF ..... | 10,000 |
|-----------------|--------|

|   |        |        |
|---|--------|--------|
| Total Bridge Drug Alert Center at Gadsden ..... | 10,000 | 10,000 |
|---|--------|--------|

Section 5.

COLLEGES, UNIVERSITIES AND SCHOOLS

Of the funds appropriated in Section 5 herein for colleges, universities and schools listed below, no institution shall be eligible to receive appropriations provided herein unless such institution provides its employees, upon their request, payroll deduction of dues from at least seven (7) different pay periods for the local affiliate of any general incorporated statewide educator's organization or labor organization. Deduction of dues shall not be required for any organization which serves only persons employed in a particular subject matter area or that is not affiliated with a public statewide employee organization which complies with Alabama statutes. Deduction of dues shall be made only upon written request of the employee and shall not be construed to grant any organization any bargaining rights upon behalf of the institution's employees.

I. Board of Trustees of University of Alabama

A. The University

1. Operations & Maintenance, Extension, Public Service & Research:

|                                    |            |
|------------------------------------|------------|
| (a) Instruction .....              | 22,287,787 |
| (b) Transfers .....                | 833,373    |
| (c) Libraries .....                | 1,405,171  |
| (d) Academic Support (excl. Libr.) | 4,511,867  |
| (e) Student Services .....         | 1,558,251  |



|  |           |
|--|-----------|
| (f) Institutional Support .....                        | 6,800,441 |
| (g) Operation & Maintenance of<br>Physical Plant ..... | 5,646,479 |
| (h) Scholarships and Fellowships .....                 | 648,766   |
| (i) Capital Outlay .....                               | 1,095,259 |
| (j) Debt Service .....                                 | 292,240   |

## SOURCE OF FUNDS:

|  |            |                   |            |
|--|------------|-------------------|------------|
| (1) ASETF .....  | 31,673,728 |                   |            |
| (2) Other Sources .....  |            | <u>13,405,906</u> |            |
| Total Operations & Maintenance,<br>Extension, Public Service & Re-<br>search ..... | 31,673,728 | 13,405,906        | 45,079,634 |

## 2. Extension, Public Service &amp; Research:

|                          |           |
|--------------------------|-----------|
| (a) Research .....       | 133,829   |
| (b) Public Service ..... | 2,665,090 |
| (c) Capital Outlay ..... | 20,720    |
| (d) Debt Service .....   | 57,364    |
| (e) Transfers .....      | 16,594    |

## SOURCE OF FUNDS:

|   |           |                  |           |
|---|-----------|------------------|-----------|
| (1) ASETF .....                                       | 1,850,000 |                  |           |
| (2) Other Sources .....                               |           | <u>1,043,597</u> |           |
| Total Extension, Public Service<br>and Research ..... | 1,850,000 | 1,043,597        | 2,893,597 |

3. Emergency Medical Services  
Paramedic Training:

(For operation and maintenance)

|                          |         |
|--------------------------|---------|
| (a) Public Service ..... | 125,000 |
|--------------------------|---------|

## SOURCE OF FUNDS:

|  |                |  |         |
|--|----------------|--|---------|
| (1) ASETF .....                        | <u>125,000</u> |  |         |
| Total Emergency Medical Services ..... | 125,000        |  | 125,000 |

4. Center for Emotionally Dis-  
turbed Children:

|  |         |
|--|---------|
| (a) Academic Support (excl. Libr.) ..... | 472,462 |
| (b) Capital Outlay .....                 | 2,538   |

## SOURCE OF FUNDS:

|  |                |  |         |
|--|----------------|--|---------|
| (1) ASETF .....  | <u>475,000</u> |  |         |
| Total Center for Emotionally Dis-<br>turbed Children ..... | 475,000        |  | 475,000 |

## 5. Nursing Scholarships:

|  |                  |               |           |
|--|------------------|---------------|-----------|
| (a) Scholarships and Fellowships   |                  |               | 18,000    |
| SOURCE OF FUNDS:   |                  |               |           |
| (1) ASETF  | <u>18,000</u>    |               |           |
| Total Nursing Scholarships   | 18,000           |               | 18,000    |
| 6. School of Mines:  |                  |               |           |
| (a) Research   |                  |               | 859,000   |
| (b) Public Service   |                  |               | 200,000   |
| (c) Capital Outlay   |                  |               | 150,000   |
| SOURCE OF FUNDS:   |                  |               |           |
| (1) ASETF  | <u>1,209,000</u> |               |           |
| Total School of Mines  | 1,209,000        |               | 1,209,000 |
| 7. Family Practice Center:   |                  |               |           |
| (a) Instruction  |                  |               | 312,285   |
| (b) Academic Support (excl. Libr.)   |                  |               | 429,360   |
| (c) Capital Outlay   |                  |               | 8,355     |
| SOURCE OF FUNDS:   |                  |               |           |
| (1) ASETF  | <u>750,000</u>   |               |           |
| Total Family Practice Center   | 750,000          |               | 750,000   |
| 8. Alabama Museum of Natural History—Mound State Park and Archaeological Office: |                  |               |           |
| (a) Public Service   |                  |               | 182,195   |
| (b) Capital Outlay   |                  |               | 6,705     |
| SOURCE OF FUNDS:   |                  |               |           |
| (1) ASETF  | 150,000          |               |           |
| (2) Other Sources  |                  | <u>38,900</u> |           |
| Total Alabama Museum of Natural History—Mound State Park and Archaeological      | 150,000          | 38,900        | 188,900   |
| 9. College of Community Health Sciences:   |                  |               |           |
| (a) Instruction  |                  |               | 1,515,047 |
| (b) Libraries  |                  |               | 135,377   |
| (c) Academic Support (excl. Libr.)   |                  |               | 409,836   |
| (d) Operation & Maintenance of Physical Plant                                    |                  |               | 169,412   |
| (e) Capital Outlay   |                  |               | 30,314    |
| (f) Hamilton Family Residency Program  |                  |               | 260,000   |
| SOURCE OF FUNDS:   |                  |               |           |

|  |           |                   |            |
|--|-----------|-------------------|------------|
| (1) ASETF .....  | 2,414,986 |                   |            |
| (2) Other Sources .....                                |           | <u>105,000</u>    |            |
| Total College of Community Health Sciences .....       | 2,414,986 | 105,000           | 2,519,986  |
| 10. Auxiliary Enterprises:                             |           |                   |            |
| (a) Scholarships and Fellowships .....                 |           |                   | 421,679    |
| (b) Capital Outlay .....                               |           |                   | 37,652     |
| (c) Auxiliary Enterprises .....                        |           |                   | 10,517,791 |
| (d) Debt Service .....                                 |           |                   | 1,457,481  |
| (e) Transfer to Plant Funds .....                      |           |                   | 526,900    |
| SOURCE OF FUNDS:                                       |           |                   |            |
| (1) Other Sources .....                                |           | <u>12,961,503</u> |            |
| Total Auxiliary Enterprises .....                      |           | 12,961,503        | 12,961,503 |
| 11. Restricted Funds:                                  |           |                   |            |
| (a) Instruction .....                                  |           |                   | 6,310,584  |
| (b) Research .....                                     |           |                   | 1,120,746  |
| (c) Public Service .....                               |           |                   | 934,713    |
| (d) Academic Support (excl. Libr.) .....               |           |                   | 79,116     |
| (e) Student Services .....                             |           |                   | 102,883    |
| (f) Institutional Support .....                        |           |                   | 308,817    |
| (g) Operation and Maintenance of Physical Plant .....  |           |                   | 138,348    |
| (h) Scholarships and Fellowships .....                 |           |                   | 795,308    |
| (i) Capital Outlay .....                               |           |                   | 347,637    |
| SOURCE OF FUNDS:                                       |           |                   |            |
| (1) State Funds .....                                  |           | 3,185,481         |            |
| (2) Federal Funds .....                                |           | 5,692,671         |            |
| (3) Other Sources .....                                |           | <u>1,260,000</u>  |            |
| Total Restricted Funds .....                           |           | 10,138,152        | 10,138,152 |
| 12. Gadsden Cooperative Upper Division Program:        |           |                   |            |
| (a) Instruction .....                                  |           |                   | 267,168    |
| (b) Capital Outlay .....                               |           |                   | 15,992     |
| SOURCE OF FUNDS:                                       |           |                   |            |
| (1) ASETF .....  | 193,189   |                   |            |
| (2) Other Sources .....                                |           | <u>89,971</u>     |            |
| Total Gadsden Cooperative Upper Division Program ..... | 193,189   | 89,971            | 283,160    |
| 13. Rural Infant Development Environment Program ..... |           |                   | 125,000    |

## SOURCE OF FUNDS:

(1) ASETF ..... 125,000

|   |         |         |
|---|---------|---------|
| Total Rural Infant Development<br>Environment Program ..... | 125,000 | 125,000 |
|---|---------|---------|

## 14. Gorgas Home

|   |  |        |
|---|--|--------|
| Operations and Maintenance of<br>Physical Plant ..... |  | 12,000 |
|---|--|--------|

## SOURCE OF FUNDS:

(1) ASETF ..... 12,000

|                         |        |        |
|-------------------------|--------|--------|
| Total Gorgas Home ..... | 12,000 | 12,000 |
|-------------------------|--------|--------|

|                                 |  |         |
|---------------------------------|--|---------|
| 15. Vocational Teacher Training |  | 340,057 |
|---------------------------------|--|---------|

## SOURCE OF FUNDS:

(1) ASETF ..... 340,057

|                                   |         |         |
|-----------------------------------|---------|---------|
| Total Vocational Teacher Training | 340,057 | 340,057 |
|-----------------------------------|---------|---------|

|  |            |            |            |
|--|------------|------------|------------|
| TOTAL UNIVERSITY OF ALA-<br>BAMA ..... | 39,335,960 | 37,783,029 | 77,118,989 |
|--|------------|------------|------------|

B. University of Alabama in Bir-  
mingham

## 1. School of Medicine:

(a) Instruction ..... 14,013,030

(b) Research ..... 17,975,212

(c) Public Service ..... 5,638,999

(d) Libraries ..... 264,132

(e) Academic Support (excl. Libr.) ..... 1,361,489

(f) Student Services ..... 401,368

(g) Institutional Support ..... 2,924,249

(h) Operation & Maintenance of  
Physical Plant ..... 3,596,996

(i) Scholarships and Fellowships ..... 115,000

(j) Capital Outlay ..... 900,000

(k) Equipment—Other than Au-  
tomotive (For Cavitron Laser  
Machine) ..... 70,000(l) Training on Special Cancer De-  
tection Machine ..... 45,000

(m) Debt Service ..... 724,221

(n) Hyperthermia Program ..... 109,000

## SOURCE OF FUNDS:

## REGULAR SESSION

1929

|                                |            |                  |            |
|--------------------------------|------------|------------------|------------|
| (1) ASETF .....                | 16,199,000 |                  |            |
| (2) State Funds .....          |            | 1,550,000        |            |
| (3) Federal Funds .....        |            | 22,400,000       |            |
| (4) Local Funds .....          |            | 550,000          |            |
| (5) Other Sources .....        |            | <u>7,439,696</u> |            |
| Total School of Medicine ..... | 16,199,000 | 31,939,696       | 48,138,696 |

## 2. Family Residency Program

|  |  |           |  |
|--|--|-----------|--|
| (a) Instruction .....                                  |  | 1,611,390 |  |
| (b) Institutional Support .....                        |  | 18,590    |  |
| (c) Operation & Maintenance of<br>Physical Plant ..... |  | 20,020    |  |

## SOURCE OF FUNDS:

|                                |                  |  |           |
|--------------------------------|------------------|--|-----------|
| (1) ASETF .....                | <u>1,650,000</u> |  |           |
| Total Family Residency Program | 1,650,000        |  | 1,650,000 |

The above appropriation shall be  
expended for residency programs  
as follows:

|                        |         |
|------------------------|---------|
| Anniston .....         | 230,000 |
| East End .....         | 230,000 |
| Jefferson County ..... | 230,000 |
| Montgomery .....       | 450,000 |
| Heflin .....           | 50,000  |
| Selma .....            | 230,000 |
| Gadsden .....          | 230,000 |

## 3. University College:

|  |            |
|--|------------|
| (a) Instruction .....                                  | 10,063,800 |
| (b) Research .....                                     | 453,100    |
| (c) Public Service .....                               | 1,061,300  |
| (d) Libraries .....                                    | 1,257,200  |
| (e) Academic Support (excl. Libr.)                     | 2,417,492  |
| (f) Student Services .....                             | 903,284    |
| (g) Institutional Support .....                        | 2,298,924  |
| (h) Operation & Maintenance of<br>Physical Plant ..... | 1,725,854  |
| (i) Scholarships and Fellowships                       | 120,000    |
| (j) Capital Outlay .....                               | 400,000    |
| (k) For Vocational Teacher Train-<br>ing .....         | 125,000    |

## SOURCE OF FUNDS:

|                 |            |
|-----------------|------------|
| (1) ASETF ..... | 12,702,764 |
|-----------------|------------|

|  |            |                   |            |
|--|------------|-------------------|------------|
| (2) Federal Funds .....                                |            | 382,821           |            |
| (3) Local Funds .....                                  |            | 656,903           |            |
| (4) Other Sources .....                                |            | <u>7,083,466</u>  |            |
| Total University College .....                         | 12,702,764 | 8,123,190         | 20,825,954 |
| 4. University Hospital and Clinics:                    |            |                   |            |
| (a) Hospital .....                                     |            |                   | 81,914,088 |
| (b) Debt Service .....                                 |            |                   | 2,798,000  |
| SOURCE OF FUNDS:                                       |            |                   |            |
| (1) ASETF .....  | 5,907,000  |                   |            |
| (2) Other Sources .....                                |            | <u>78,805,088</u> |            |
| Total University Hospital Clinics .....                | 5,907,000  | 78,805,088        | 84,712,088 |
| 5. School of Optometry:                                |            |                   |            |
| (a) Instruction .....                                  |            |                   | 2,111,241  |
| (b) Research .....                                     |            |                   | 91,684     |
| (c) Public Service .....                               |            |                   | 62,188     |
| (d) Libraries .....                                    |            |                   | 5,477      |
| (e) Academic Support (excl. Libr.) .....               |            |                   | 296,586    |
| (f) Student Services .....                             |            |                   | 33,263     |
| (g) Institutional Support .....                        |            |                   | 154,370    |
| (h) Operation & Maintenance of<br>Physical Plant ..... |            |                   | 315,882    |
| (i) Debt Service .....                                 |            |                   | 26,125     |
| SOURCE OF FUNDS:                                       |            |                   |            |
| (1) ASETF .....  | 2,021,500  |                   |            |
| (2) State Funds .....                                  |            | 267,731           |            |
| (3) Other Sources .....                                |            | <u>807,585</u>    |            |
| Total School of Optometry .....                        | 2,021,500  | 1,075,316         | 3,096,816  |
| 6. School of Public and Allied<br>Health:              |            |                   |            |
| (a) Instruction .....                                  |            |                   | 1,890,445  |
| (b) Research .....                                     |            |                   | 64,469     |
| (c) Public Service .....                               |            |                   | 245,500    |
| (d) Libraries .....                                    |            |                   | 27,785     |
| (e) Academic Support (excl. Libr.) .....               |            |                   | 484,513    |
| (f) Student Services .....                             |            |                   | 60,197     |
| (g) Institutional Support .....                        |            |                   | 230,800    |
| (h) Operation & Maintenance of<br>Physical Plant ..... |            |                   | 257,771    |
| (i) Scholarships & Fellowships ..                      |            |                   | 16,000     |

|                        |  |  |        |
|------------------------|--|--|--------|
| (j) Debt Service ..... |  |  | 29,514 |
|------------------------|--|--|--------|

## SOURCE OF FUNDS:

|   |           |                |           |
|---|-----------|----------------|-----------|
| (1) ASETF .....   | 1,838,473 |                |           |
| (2) Federal Funds .....                                     |           | 1,089,642      |           |
| (3) Other Sources .....                                     |           | <u>378,879</u> |           |
| Total School of Community and Allied Health Resources ..... | 1,838,473 | 1,468,521      | 3,306,994 |

## 7. Regional Technical Institute:

|   |  |           |  |
|---|--|-----------|--|
| (a) Instruction .....                               |  | 1,382,972 |  |
| (b) Research .....                                  |  | 24,750    |  |
| (c) Public Service .....                            |  | 95,495    |  |
| (d) Libraries .....                                 |  | 35,627    |  |
| (e) Academic Support (excl. Libr.) .....            |  | 210,097   |  |
| (f) Student Services .....                          |  | 63,388    |  |
| (g) Institutional Support .....                     |  | 102,146   |  |
| (h) Operation & Maintenance of Physical Plant ..... |  | 292,825   |  |

## SOURCE OF FUNDS:

|  |           |                |           |
|--|-----------|----------------|-----------|
| (1) ASETF .....                          | 1,697,245 |                |           |
| (2) Federal Funds .....                  |           | 349,873        |           |
| (3) Other Sources .....                  |           | <u>160,182</u> |           |
| Total Regional Technical Institute ..... | 1,697,245 | 510,055        | 2,207,300 |

## 8. Joint Health Sciences Program:

|   |  |           |  |
|---|--|-----------|--|
| (a) Instruction .....                               |  | 1,675,968 |  |
| (b) Libraries .....                                 |  | 32,400    |  |
| (c) Academic Support (excl. Libr.) .....            |  | 185,700   |  |
| (d) Student Services .....                          |  | 12,000    |  |
| (e) Institutional Support .....                     |  | 280,400   |  |
| (f) Operation & Maintenance of Physical Plant ..... |  | 572,164   |  |
| (g) Scholarships & Fellowships ..                   |  | 100,000   |  |
| (h) Capital Outlay .....                            |  | 50,000    |  |

## SOURCE OF FUNDS:

|   |           |                |           |
|---|-----------|----------------|-----------|
| (1) ASETF .....                           | 2,392,488 |                |           |
| (2) Federal Funds .....                   |           | 175,800        |           |
| (3) Other Sources .....                   |           | <u>340,344</u> |           |
| Total Joint Health Sciences Program ..... | 2,392,488 | 516,144        | 2,908,632 |

## 9. Department of Pediatrics:

|   |                  |           |
|---|------------------|-----------|
| (a) Instruction .....                                   |                  | 318,000   |
| SOURCE OF FUNDS:  |                  |           |
| (1) ASETF .....   | <u>318,000</u>   |           |
| Total Department of Pediatrics ..                       | 318,000          | 318,000   |
| 10. Center for Labor Education<br>and Research:         |                  |           |
| (a) Research .....                                      |                  | 43,070    |
| (b) Public Service .....                                |                  | 172,270   |
| (c) Institutional Support .....                         |                  | 30,040    |
| (d) Operation & Maintenance of<br>Physical Plant .....  |                  | 23,794    |
| SOURCE OF FUNDS:  |                  |           |
| (1) ASETF .....   | <u>269,174</u>   |           |
| Total Center for Labor Education<br>and Research .....  | 269,174          | 269,174   |
| 11. Student Nurses Loans:                               |                  |           |
| (a) Scholarships & Fellowships ..                       |                  | 12,000    |
| SOURCE OF FUNDS:  |                  |           |
| (1) ASETF .....   | <u>12,000</u>    |           |
| Total Student Nurses Loans .....                        | 12,000           | 12,000    |
| 12. Special Mental Health:                              |                  |           |
| (a) Instruction .....                                   |                  | 1,684,908 |
| (b) Research .....                                      |                  | 362,451   |
| (c) Public Service .....                                |                  | 91,707    |
| (d) Institutional Support .....                         |                  | 95,246    |
| (e) Operation & Maintenance of<br>Physical Plant .....  |                  | 80,877    |
| (f) Transfers .....                                     |                  | 567,710   |
| SOURCE OF FUNDS:  |                  |           |
| (1) Special Mental Health Fund .                        | <u>2,882,899</u> |           |
| Total Special Mental Health .....                       | 2,882,899        | 2,882,899 |
| 13. Center for Developmental and<br>Learning Disorders: |                  |           |
| (a) Instruction .....                                   |                  | 1,404,635 |
| (b) Research .....                                      |                  | 25,083    |
| (c) Public Service .....                                |                  | 1,078,560 |
| SOURCE OF FUNDS:  |                  |           |
| (1) Special Mental Health Fund .                        | 487,250          |           |
| (2) Federal Funds .....                                 | 1,482,501        |           |



|   |                |                  |            |
|---|----------------|------------------|------------|
| (3) Other Sources .....                                   | <u>538,527</u> |                  |            |
| Total Center for Development and Learning Disorders ..... | 2,508,278      |                  | 2,508,278  |
| 14. School of Dentistry:                                  |                |                  |            |
| (a) Instruction .....                                     |                |                  | 5,525,057  |
| (b) Research .....  |                |                  | 3,871,173  |
| (c) Public Service .....                                  |                |                  | 561,287    |
| (d) Libraries .....                                       |                |                  | 102,052    |
| (e) Academic Support (excl. Libr.) .....                  |                |                  | 574,044    |
| (f) Student Services .....                                |                |                  | 127,565    |
| (g) Institutional Support .....                           |                |                  | 803,661    |
| (h) Operation & Maintenance of Physical Plant .....       |                |                  | 2,079,120  |
| (i) Debt Service .....                                    |                |                  | 85,000     |
| SOURCE OF FUNDS:  |                |                  |            |
| (1) ASETF .....   | 6,938,000      |                  |            |
| (2) Federal Funds .....                                   |                | 4,100,000        |            |
| (3) Other Sources .....                                   |                | <u>2,690,959</u> |            |
| Total School of Dentistry .....                           | 6,938,000      | 6,790,959        | 13,728,959 |
| 15. School of Nursing Scholarships:                       |                |                  |            |
| (a) Scholarships & Fellowships ..                         |                |                  | 88,400     |
| SOURCE OF FUNDS:  |                |                  |            |
| (1) ASETF .....   | <u>88,400</u>  |                  |            |
| Total School of Nursing Scholarships .....                | 88,400         |                  | 88,400     |
| 16. System Medical Education Program:                     |                |                  |            |
| (a) Instruction .....                                     |                |                  | 503,500    |
| SOURCE OF FUNDS:  |                |                  |            |
| (1) ASETF .....   | <u>503,500</u> |                  |            |
| Total System Medical Education Program .....              | 503,500        |                  | 503,500    |
| 17. School of Nursing:                                    |                |                  |            |
| (a) Instruction .....                                     |                |                  | 2,621,714  |
| (b) Research .....  |                |                  | 51,134     |
| (c) Public Service .....                                  |                |                  | 45,000     |
| (d) Libraries .....                                       |                |                  | 34,080     |
| (e) Academic Support (excl. Libr.) .....                  |                |                  | 399,325    |

|  |         |
|--|---------|
| (f) Student Services .....                             | 133,991 |
| (g) Institutional Support .....                        | 248,857 |
| (h) Operation & Maintenance of<br>Physical Plant ..... | 317,983 |
| (i) Scholarships & Fellowships ..                      | 20,000  |

## SOURCE OF FUNDS:

|                               |           |                |           |
|-------------------------------|-----------|----------------|-----------|
| (1) ASETF .....               | 2,546,102 |                |           |
| (2) Federal Funds .....       |           | 719,603        |           |
| (3) Other Sources .....       |           | <u>606,379</u> |           |
| Total School of Nursing ..... | 2,546,102 | 1,325,982      | 3,872,084 |

## 18. Health-Related Research and Public Service:

|  |           |
|--|-----------|
| (a) Instruction .....                                  | 925,900   |
| (b) Research .....                                     | 670,900   |
| (c) Public Service .....                               | 1,051,100 |
| (d) Academic Support (excl. Libr.)                     | 24,900    |
| (e) Institutional Support .....                        | 135,500   |
| (f) Operation & Maintenance of<br>Physical Plant ..... | 141,654   |

## SOURCE OF FUNDS:

|   |           |               |           |
|---|-----------|---------------|-----------|
| (1) ASETF .....   | 2,889,654 |               |           |
| (2) Other Sources .....                                   |           | <u>60,300</u> |           |
| Total Health-Related Research and<br>Public Service ..... | 2,889,654 | 60,300        | 2,949,954 |

In addition to the above appropriation there is hereby appropriated \$2,000,000 which shall be conditional upon the condition of the Alabama Special Education Trust Fund and upon the approval of the Governor and is to be used as follows: Spain Rehabilitation Center \$1,000,000; Spain-Lakeshore Center \$1,000,000.

(These appropriations under Subsection B, University of Alabama in Birmingham are for the unrestricted support of these activities and therefore insurance companies, whether operated for profit or not for profit, licensed under the laws of the State of Alabama, whether acting on their behalf or for others, are hereby prohibited from applying or tak-

ing into account in any manner whatsoever, any portion of these appropriations in determining reimbursements for patient care activities.)

19. End Stage Renal Disease:

|                          |  |           |
|--------------------------|--|-----------|
| (a) Capital Outlay ..... |  | 1,000,000 |
|--------------------------|--|-----------|

This appropriation is to be conditional upon the condition of the Alabama Special Education Trust Fund and upon the approval of the Governor.

SOURCE OF FUNDS:

|                                  |                  |           |
|----------------------------------|------------------|-----------|
| (1) ASETF .....                  | <u>1,000,000</u> |           |
| Total End Stage Renal Disease .. | 1,000,000        | 1,000,000 |

20. Emergency Medical Training, Including Mining Emergency Training & Safety:

|                          |  |         |
|--------------------------|--|---------|
| (a) Instruction .....    |  | 125,000 |
| (b) Public Service ..... |  | 40,000  |

SOURCE OF FUNDS:

|  |                |         |
|--|----------------|---------|
| (1) ASETF .....                        | <u>165,000</u> |         |
| Total Emergency Medical Training ..... | 165,000        | 165,000 |

21. Urban Research and Public Service:

|   |  |        |
|---|--|--------|
| (a) Research .....                                  |  | 46,860 |
| (b) Public Service .....                            |  | 97,870 |
| (c) Libraries .....                                 |  | 17,020 |
| (d) Operation & Maintenance of Physical Plant ..... |  | 8,522  |

SOURCE OF FUNDS:

|   |                |         |
|---|----------------|---------|
| (1) ASETF .....                             | <u>170,272</u> |         |
| Total Urban Research & Public Service ..... | 170,272        | 170,272 |

22. Diabetes Research—Capital Outlay .....

1,000,000

SOURCE OF FUNDS:

|                               |                  |           |
|-------------------------------|------------------|-----------|
| (1) ASETF .....               | <u>1,000,000</u> |           |
| Total Diabetes Research ..... | 1,000,000        | 1,000,000 |

23. Arthritis Research .....

400,000

## SOURCE OF FUNDS:

|   |                |             |             |
|---|----------------|-------------|-------------|
| (1) ASETF .....                                       | <u>400,000</u> |             |             |
| Total Arthritis Research .....                        | 400,000        |             | 400,000     |
| TOTAL UNIVERSITY OF ALABAMA IN BIRMINGHAM ....        | 59,708,572     | 136,006,428 | 195,715,000 |
| C. University of Alabama in Huntsville:               |                |             |             |
| (1) Operation and Maintenance:                        |                |             |             |
| (a) Instruction .....                                 |                |             | 4,339,805   |
| (b) Research .....                                    |                |             | 1,514,883   |
| (c) Public Service .....                              |                |             | 277,652     |
| (d) Libraries .....                                   |                |             | 330,645     |
| (e) Academic Support (excl. Libr.) .....              |                |             | 264,531     |
| (f) Student Services .....                            |                |             | 536,212     |
| (g) Institutional Support .....                       |                |             | 1,008,079   |
| (h) Operation and Maintenance of Physical Plant ..... |                |             | 1,000,930   |
| (i) Scholarships and Fellowships .....                |                |             | 740,577     |
| (j) Auxiliary Enterprises .....                       |                |             | 1,075,163   |
| (k) Equipment Purchases .....                         |                |             | 530,000     |

## SOURCE OF FUNDS:

|  |           |                  |            |
|--|-----------|------------------|------------|
| (1) ASETF .....                        | 5,691,184 |                  |            |
| (2) Federal Funds .....                |           | 1,988,825        |            |
| (3) Other Sources .....                |           | <u>3,938,468</u> |            |
| Total Operation & Maintenance .        | 5,691,184 | 5,927,293        | 11,618,477 |
| 2. School of Nursing Scholarships:     |           |                  |            |
| (a) Scholarships and Fellowships ..... |           |                  | 18,000     |

## SOURCE OF FUNDS:

|  |               |        |  |
|--|---------------|--------|--|
| (1) ASETF .....                            | <u>18,000</u> |        |  |
| Total School of Nursing Scholarships ..... | 18,000        | 18,000 |  |

(To be expended in accordance with Act 2290, 1971 Regular Session.)

## 3. School of Primary Medical Care:

|  |  |  |           |
|--|--|--|-----------|
| (a) Instruction .....                    |  |  | 1,704,937 |
| (b) Research .....                       |  |  | 435,865   |
| (c) Public Service .....                 |  |  | 16,423    |
| (d) Libraries .....                      |  |  | 29,906    |
| (e) Academic Support (excl. Libr.) ..... |  |  | 550,623   |
| (f) Student Services .....               |  |  | 60,175    |

## REGULAR SESSION

1937

|  |         |
|--|---------|
| (g) Institutional Support .....                          | 365,534 |
| (h) Operation and Maintenance of<br>Physical Plant ..... | 312,094 |
| (i) Scholarships and Fellowships .....                   | 2,800   |
| (j) Equipment Purchases .....                            | 47,567  |

## SOURCE OF FUNDS:

|   |           |                |           |
|---|-----------|----------------|-----------|
| (1) ASETF .....                               | 2,642,511 |                |           |
| (2) Federal Funds .....                       |           | 440,228        |           |
| (3) Other Sources .....                       |           | <u>443,185</u> |           |
| Total School of Primary Medical<br>Care ..... | 2,642,511 | 883,413        | 3,525,924 |

## 4. Johnson Environmental &amp; Energy Center:

|  |         |
|--|---------|
| (a) Research .....                                       | 338,626 |
| (b) Public Service .....                                 | 201,730 |
| (c) Institutional Support .....                          | 23,454  |
| (d) Operation and Maintenance of<br>Physical Plant ..... | 44,007  |
| (e) Equipment Purchases .....                            | 27,282  |

## SOURCE OF FUNDS:

|  |         |              |         |
|--|---------|--------------|---------|
| (1) ASETF .....  | 269,191 |              |         |
| (2) State Funds .....                                      |         | 58,911       |         |
| (3) Federal Funds .....                                    |         | 305,168      |         |
| (4) Other Sources .....                                    |         | <u>1,829</u> |         |
| Total Center for Environmental<br>and Energy Studies ..... | 269,191 | 365,908      | 635,099 |

## 5. Ambulatory Care Center:

|  |         |
|--|---------|
| (a) Instruction .....                                    | 480,223 |
| (b) Academic Support (excl. Libr.) .....                 | 466,201 |
| (c) Institutional Support .....                          | 72,918  |
| (d) Operation and Maintenance of<br>Physical Plant ..... | 88,682  |
| (e) Equipment Purchases .....                            | 50,000  |

## SOURCE OF FUNDS:

|                                 |         |                |           |
|---------------------------------|---------|----------------|-----------|
| (1) ASETF .....                 | 646,403 |                |           |
| (2) Other Sources .....         |         | <u>511,621</u> |           |
| Total Ambulatory Care Center .. | 646,403 | 511,621        | 1,158,024 |

## 6. School of Nursing:

|  |         |
|--|---------|
| (a) Instruction .....                    | 538,238 |
| (b) Academic Support (excl. Libr.) ..... | 197,272 |

|  |                |                |            |
|--|----------------|----------------|------------|
| (c) Institutional Support .....                          |                |                | 108,347    |
| (d) Operation and Maintenance of<br>Physical Plant ..... |                |                | 137,722    |
| (e) Equipment Purchases .....                            |                |                | 2,700      |
| SOURCE OF FUNDS:   |                |                |            |
| (1) ASETF .....  | 792,027        |                |            |
| (2) Other Sources .....                                  |                | <u>192,252</u> |            |
| Total School of Nursing .....                            | 792,027        | 192,252        | 984,279    |
| 7. Paramedic Training:                                   |                |                |            |
| (a) Instruction .....                                    |                |                | 7,750      |
| (b) Public Service .....                                 |                |                | 86,000     |
| (c) Institutional Support .....                          |                |                | 16,730     |
| (d) Operation & Maintenance of<br>Physical Plant .....   |                |                | 14,520     |
| SOURCE OF FUNDS:   |                |                |            |
| (1) ASETF .....  | <u>125,000</u> |                |            |
| Total Paramedic Training .....                           | 125,000        |                | 125,000    |
| 8. Alabama Solar Energy Center:                          |                |                |            |
| (a) Research .....                                       |                |                | 36,947     |
| (b) Public Service .....                                 |                |                | 36,947     |
| (c) Institutional Support .....                          |                |                | 10,226     |
| (d) Operation & Maintenance of<br>Physical Plant .....   |                |                | 19,188     |
| (e) Equipment Purchases .....                            |                |                | 14,349     |
| SOURCE OF FUNDS:   |                |                |            |
| (1) ASETF .....  | <u>117,657</u> |                |            |
| Total Solar Energy Center .....                          | 117,657        |                | 117,657    |
| TOTAL UNIVERSITY OF ALA-<br>BAMA IN HUNTSVILLE .....     | 10,301,973     | 7,880,487      | 18,182,460 |
| II. Board of Trustees of Alabama A<br>& M University     |                |                |            |
| A. Alabama A & M University                              |                |                |            |
| 1. Operation and Maintenance                             |                |                |            |
| (a) Instruction .....                                    |                |                | 5,672,727  |
| (b) Research .....                                       |                |                | 1,124,500  |
| (c) Public Service .....                                 |                |                | 1,680,425  |
| (d) Libraries .....                                      |                |                | 625,400    |
| (e) Academic support (excl. Libr.)                       |                |                | 671,455    |
| (f) Student Services .....                               |                |                | 588,550    |

|   |           |
|---|-----------|
| (g) Institutional Support .....                                   | 1,840,000 |
| (h) Operations & Maintenance of<br>Physical Plant .....           | 2,291,814 |
| (i) Scholarships & Fellowships ..                                 | 150,000   |
| (j) Auxiliary Enterprises .....                                   | 2,900,000 |
| (k) Equipment Purchases .....                                     | 241,814   |
| (l) Automotive Equipment .....                                    | 65,000    |
| (m) Debt Service .....  | 451,000   |
| (n) Hospital/Medical Insurance<br>and other fringe benefits ..... | 250,000   |

## SOURCE OF FUNDS:

|                                   |           |                  |            |
|-----------------------------------|-----------|------------------|------------|
| (1) ASETF .....                   | 8,250,000 |                  |            |
| (2) Federal Funds .....           |           | 5,027,000        |            |
| (3) Other Sources .....           |           | <u>5,275,685</u> |            |
| Total Operation & Maintenance ..  | 8,250,000 | 10,302,685       | 18,552,685 |
| 2. Vocational Teacher Training .. |           |                  | 250,000    |

## SOURCE OF FUNDS:

|   |                |            |            |
|---|----------------|------------|------------|
| (1) ASETF .....                           | <u>250,000</u> |            |            |
| Total Vocational Teacher Trng. ..         | 250,000        |            | 250,000    |
| TOTAL ALABAMA A & M UNI-<br>VERSITY ..... | 8,250,000      | 10,302,685 | 18,802,683 |

III. Board of Trustees of Alabama  
State University

## A. Alabama State University

## 1. Operation and Maintenance:

|  |           |
|--|-----------|
| (a) Instruction .....                                  | 5,115,310 |
| (b) Libraries .....                                    | 670,860   |
| (c) Academic Support (excl. Lib.)                      | 511,880   |
| (d) Student Services .....                             | 888,340   |
| (e) Institutional Support .....                        | 1,259,780 |
| (f) Operation & Maintenance of<br>Physical Plant ..... | 1,337,810 |
| (g) Scholarships & Fellowships ..                      | 3,807,340 |
| (h) Auxiliary Enterprises .....                        | 2,424,780 |
| (i) Research .....                                     | 93,610    |
| (j) Public Service .....                               | 93,820    |
| (k) Debt Service .....                                 | 920,000   |
| (l) Support Personnel Salaries ...                     | 250,000   |

To equalize support personnel  
salaries with State of Alabama  
Merit System

## SOURCE OF FUNDS:

|                                  |           |                  |            |
|----------------------------------|-----------|------------------|------------|
| (1) ASETF .....                  | 7,268,175 |                  |            |
| (2) Federal Funds .....          |           | 4,271,910        |            |
| (3) Other Sources .....          |           | <u>5,833,445</u> |            |
| Total Alabama State University . | 7,268,175 | 10,105,355       | 17,373,530 |

## IV. Board of Trustees of Auburn University

## A. Auburn University

## 1. Operation and Maintenance:

|   |  |            |  |
|---|--|------------|--|
| (a) Instruction .....                               |  | 29,966,035 |  |
| (b) Research .....                                  |  | 5,987,159  |  |
| (c) Public Service .....                            |  | 4,036,563  |  |
| (d) Libraries .....                                 |  | 3,581,220  |  |
| (e) Academic Support (excl. Libr.)                  |  | 3,310,474  |  |
| (f) Student Services .....                          |  | 3,273,554  |  |
| (g) Institutional Support .....                     |  | 4,651,892  |  |
| (h) Operation & Maintenance of Physical Plant ..... |  | 7,476,079  |  |
| (i) Scholarships & Fellowships ..                   |  | 1,400,000  |  |
| (j) Auxiliary Enterprises .....                     |  | 15,040,000 |  |

## SOURCE OF FUNDS:

|                                 |            |               |            |
|---------------------------------|------------|---------------|------------|
| (1) ASETF .....                 | 34,912,440 |               |            |
| (2) Federal Funds .....         |            | 152,350       |            |
| (3) Other Sources .....         |            | 43,637,906    |            |
| (4) State Funds .....           |            | <u>20,280</u> |            |
| Total Operation and Maintenance | 34,912,440 | 43,810,536    | 78,722,976 |

## 2. School of Nursing:

|                       |  |         |  |
|-----------------------|--|---------|--|
| (a) Instruction ..... |  | 500,000 |  |
|-----------------------|--|---------|--|

## SOURCE OF FUNDS:

|                               |                |  |         |
|-------------------------------|----------------|--|---------|
| (1) ASETF .....               | <u>500,000</u> |  |         |
| Total School of Nursing ..... | 500,000        |  | 500,000 |

## 3. Educational Television:

|                       |  |         |  |
|-----------------------|--|---------|--|
| (a) Instruction ..... |  | 352,068 |  |
|-----------------------|--|---------|--|

## SOURCE OF FUNDS:

|                                   |                |  |         |
|-----------------------------------|----------------|--|---------|
| (1) ASETF .....                   | <u>352,068</u> |  |         |
| Total Educational Television .... | 352,068        |  | 352,068 |

## 4. Center for Vocational Teacher Educational Training:



|  |           |            |            |
|--|-----------|------------|------------|
| (a) Instruction .....  |           | 800,000    |            |
| SOURCE OF FUNDS:   |           |            |            |
| (1) ASETF .....  | 800,000   |            |            |
| Total Center for Vocational &<br>Adult Teacher Education ..... | 800,000   |            | 800,000    |
| 5. Clinical Psychology:  |           |            |            |
| (a) Instruction .....  |           | 103,950    |            |
| (b) Equipment—Other than Au-<br>tomotive .....                 |           | 6,050      |            |
| SOURCE OF FUNDS:   |           |            |            |
| (1) ASETF .....  | 110,000   |            |            |
| Total Clinical Psychology .....                                | 110,000   |            | 110,000    |
| 6. Agricultural Experiment Sta-<br>tion (Including Wildlife):  |           |            |            |
| (a) Research .....   |           | 14,609,845 |            |
| (b) Institutional Support .....                                |           | 618,350    |            |
| (c) Operations & Maintenance of<br>Physical Plant .....        |           | 286,953    |            |
| SOURCE OF FUNDS:   |           |            |            |
| (1) ASETF .....  | 7,224,277 |            |            |
| (2) Federal Funds .....  |           | 5,546,341  |            |
| (3) Other Sources .....  |           | 2,550,000  |            |
| (4) State Funds .....  |           | 194,530    |            |
| Total Agricultural Experiment<br>Station .....                 | 7,224,277 | 8,290,871  | 15,515,148 |

That all research work and experimentation contemplated by the spirit and purpose of this sub-section (a) shall be carried out under the supervision of the Director of the Agricultural Experiment Station System and the President of Auburn University, who shall make a complete report to the Board of Trustees of Auburn University for the fiscal year ending September 30, 1979.

The funds provided in this subsection (a) shall be used for the support of researches, experiments and investigations bearing upon and relating to the production, marketing, manufacturing, use and distribution of agricultural crops and products; for the production; marketing and curing of all kinds of livestock and livestock products that may be sold from or consumed on the farms of Alabama; for the production, culture, and use of pasture plants for the establishment, care, use and management of pastures; for the testing of all kinds of hay, food, and forage crops, including those that may be used for lawns, and other sod crop purposes; for the testing of varieties of crops, including soil adaption and improvement; for the testing of fertilizers and fertilizer materials on the various soils and for various crops; for the production, marketing, storage, and curing of fruit, nut and vegetable crops; for the study of plant and animal disease and insect pests; for researches and experiments dealing with forest production, management and use; for researches

dealing with soil erosion and problems arising from the waste of land due to soil erosion, for researches to discover new uses of land; for the provisions of necessary land, building, fencing livestock and other physical equipment needed for the research work herein provided for; for researches in game and fish production; provided, however, that any researches in game and fish production shall be in cooperation with or upon the advice of the Director of Conservation, so that there may be complete coordination between the work of the Alabama Agricultural Experiment Station and that of the State Department of Conservation; as future changing agricultural conditions may demand, for researches and experiments on other similar important agricultural and economic problems having for their object the development of a more permanent, profitable and diversified agriculture; and for the printing of the necessary bulletins, circulars, etc., in order that the citizens of Alabama may be acquainted with the results of said research.

7. Engineering Experimental Station:

|                    |  |         |
|--------------------|--|---------|
| (a) Research ..... |  | 812,232 |
|--------------------|--|---------|

Source of Funds:

|                 |         |  |
|-----------------|---------|--|
| (1) ASETF ..... | 812,232 |  |
|-----------------|---------|--|

|  |         |         |
|--|---------|---------|
| Total Engineering Experimental Station ..... | 812,232 | 812,232 |
|--|---------|---------|

8. Cooperative Extension Service:

|                          |  |            |
|--------------------------|--|------------|
| (a) Public Service ..... |  | 17,293,319 |
|--------------------------|--|------------|

Source of Funds:

|                 |           |  |
|-----------------|-----------|--|
| (1) ASETF ..... | 7,893,538 |  |
|-----------------|-----------|--|

|                         |  |           |
|-------------------------|--|-----------|
| (2) Federal Funds ..... |  | 7,872,700 |
|-------------------------|--|-----------|

|                       |  |           |
|-----------------------|--|-----------|
| (3) Local Funds ..... |  | 1,527,081 |
|-----------------------|--|-----------|

|   |           |           |            |
|---|-----------|-----------|------------|
| Total Cooperative Extension Service ..... | 7,893,538 | 9,399,781 | 17,293,319 |
|---|-----------|-----------|------------|

9. Cooperative Extension Service-Retirement .....

|                          |  |         |
|--------------------------|--|---------|
| (a) Public Service ..... |  | 860,582 |
|--------------------------|--|---------|

Source of Funds:

|                 |         |  |
|-----------------|---------|--|
| (1) ASETF ..... | 860,582 |  |
|-----------------|---------|--|

|                         |  |  |
|-------------------------|--|--|
| (2) Other Sources ..... |  |  |
|-------------------------|--|--|

|  |         |         |
|--|---------|---------|
| Total Cooperative Extension Service-Retirement ..... | 860,582 | 860,582 |
|--|---------|---------|

The appropriation herein made for the Extension Service shall be expended by the direction of the Board of Trustees of Auburn University through its Extension Service and shall be done in such manner as to make available the

|  |            |            |             |
|--|------------|------------|-------------|
| maximum amounts of aid from<br>the Federal government.         |            |            |             |
| 10. Public Service, Research and<br>Extension:                 |            |            |             |
| (a) Public Service .....                                       |            |            | 346,841     |
| SOURCE OF FUNDS:   |            |            |             |
| (1) ASETF .....  | 346,841    |            |             |
| Total Public Service, Research and<br>Extension .....          | 346,841    |            | 346,841     |
| 11. Energy Research .....                                      |            |            | 250,000     |
| SOURCE OF FUNDS:   |            |            |             |
| (1) ASETF .....  | 250,000    |            |             |
| Total Energy Research .....                                    | 250,000    |            | 250,000     |
| TOTAL AUBURN UNIVERSITY  | 54,061,978 | 61,501,188 | 115,563,166 |
| B. Auburn University at<br>Montgomery:                         |            |            |             |
| 1. Operations & Maintenance:                                   |            |            |             |
| (a) Instruction .....  |            |            | 4,416,113   |
| (b) Research .....   |            |            | 87,405      |
| (c) Public Service .....                                       |            |            | 1,801,705   |
| (d) Libraries .....  |            |            | 314,216     |
| (e) Academic Support (excl. Libr.)                             |            |            | 245,453     |
| (f) Student Services .....                                     |            |            | 345,521     |
| (g) Institutional Support .....                                |            |            | 515,122     |
| (h) Operation and Maintenance of<br>Physical Plant .....       |            |            | 1,146,296   |
| (i) Scholarships and Fellowships                               |            |            | 293,295     |
| (j) Debt Service .....   |            |            | 60,314      |
| SOURCE OF FUNDS:   |            |            |             |
| (1) ASETF .....  | 5,181,493  |            |             |
| (2) Federal Funds .....  |            | 1,621,100  |             |
| (3) State Funds .....  |            | 45,000     |             |
| (4) Other Sources .....  |            | 2,377,847  |             |
| Total Operation and Maintenance                                | 5,181,493  | 4,043,947  | 9,225,440   |
| 2. Montgomery Area Community<br>Health Science Institute:      |            |            |             |
| (a) Public Service .....                                       |            |            | 127,769     |
| SOURCE OF FUNDS:   |            |            |             |
| (1) ASETF .....  | 127,769    |            |             |
| Total Montgomery Area Commu-<br>nity Health Science Inst. .... | 127,769    |            | 127,769     |

3. Public Service Research & Extensions (Centers for Business & Public Affairs):

(a) Public Services ..... 8,400

SOURCE OF FUNDS:

(1) Other Sources ..... 8,400

Total Public Service Research & Extensions (Centers for Business & Public Affairs) .....

8,400      8,400

4. School of Nursing:

(a) Instruction ..... 250,000

SOURCE OF FUNDS:

(1) ASETF ..... 250,000

Total School of Nursing ..... 250,000      250,000

TOTAL AUBURN AT MONTGOMERY .....

5,559,262      4,052,347      9,611,609

V. Board of Trustees of Jacksonville State University:

A. Jacksonville State University

1. Operations and Maintenance:

(a) Instruction ..... 7,672,543

(b) Public Service ..... 64,172

(c) Libraries ..... 1,061,468

(d) Academic Support (excl. Libr.) ..... 499,736

(e) Student Services ..... 853,172

(f) Institutional Support ..... 370,304

(g) Operation and Maintenance of Physical Plant ..... 2,310,978

(h) Scholarships and Fellowships ..... 315,000

(i) Debt Service ..... 515,000

SOURCE OF FUNDS:

(1) ASETF ..... 10,272,378

(2) State Funds ..... 160,000

(3) Other Sources ..... 3,230,000

Total Operations & Maintenance      10,272,378      3,390,000      13,662,378

2. Gadsden Program:

(a) Instruction ..... 465,622

(b) Public Service ..... 8,000

(c) Libraries ..... 38,000

## REGULAR SESSION

1945

|  |        |
|--|--------|
| (d) Academic Support (excl. Libr.)                       | 18,000 |
| (e) Student Services .....                               | 15,000 |
| (f) Operation and Maintenance of<br>Physical Plant ..... | 50,000 |

## SOURCE OF FUNDS:

|                         |         |         |
|-------------------------|---------|---------|
| (1) ASETF .....         | 484,622 |         |
| (2) Other Sources ..... |         | 110,000 |

Total Cooperative University  
Upper Division (formerly  
Gadsden Prog.) .....

484,622      110,000      594,622

## 3. Nursing Scholarships:

|                                  |        |
|----------------------------------|--------|
| (a) Scholarships and Fellowships | 18,000 |
|----------------------------------|--------|

## SOURCE OF FUNDS:

|                 |        |
|-----------------|--------|
| (1) ASETF ..... | 18,000 |
|-----------------|--------|

|                                  |        |        |
|----------------------------------|--------|--------|
| Total Nursing Scholarships ..... | 18,000 | 18,000 |
|----------------------------------|--------|--------|

(To be expended in accordance with  
Act No. 2288, 1971 Regular Ses-  
sion.)

4. United Cerebral Palsy Develop-  
ment Center for East Central Al-  
abama .....

100,000

## SOURCE OF FUNDS:

|                 |         |
|-----------------|---------|
| (1) ASETF ..... | 100,000 |
|-----------------|---------|

Total United Cerebral Palsy De-  
velopment Center of East Cen-  
tral Alabama .....

100,000      100,000

5. For Vocational Teacher Train-  
ing .....

100,000

## SOURCE OF FUNDS:

|                 |         |
|-----------------|---------|
| (1) ASETF ..... | 100,000 |
|-----------------|---------|

TOTAL JACKSONVILLE STATE  
UNIVERSITY .....

10,975,000      3,500,000      14,475,000

## A. Livingston University:

## 1. Operation and Maintenance:

|  |           |
|--|-----------|
| (a) Instruction .....                                  | 1,534,247 |
| (b) Libraries .....                                    | 173,902   |
| (c) Academic Support (excl. Libr.)                     | 196,472   |
| (d) Student Services .....                             | 224,790   |
| (e) Institutional Support .....                        | 630,208   |
| (f) Operation & Maintenance of<br>Physical Plant ..... | 891,821   |
| (g) Scholarships and Fellowships                       | 25,646    |

|                                 |           |
|---------------------------------|-----------|
| (h) Auxiliary Enterprises ..... | 1,078,000 |
| (i) For Federal Programs .....  | 189,800   |

## SOURCE OF FUNDS:

|                                 |           |                  |           |
|---------------------------------|-----------|------------------|-----------|
| (1) ASETF .....                 | 3,111,782 |                  |           |
| (2) Federal Funds .....         |           | 189,800          |           |
| (3) Local Funds .....           |           | <u>1,643,304</u> |           |
| Total Operation and Maintenance | 3,111,782 | 1,833,104        | 4,944,886 |

## 2. Nursing Scholarships:

|                                  |        |
|----------------------------------|--------|
| (a) Scholarships and Fellowships | 18,000 |
|----------------------------------|--------|

## SOURCE OF FUNDS:

|                                  |               |  |        |
|----------------------------------|---------------|--|--------|
| (1) ASETF .....                  | <u>18,000</u> |  |        |
| Total Nursing Scholarships ..... | 18,000        |  | 18,000 |

|                                   |           |           |           |
|-----------------------------------|-----------|-----------|-----------|
| TOTAL LIVINGSTON UNIVERSITY ..... | 3,129,782 | 1,833,104 | 4,962,886 |
|-----------------------------------|-----------|-----------|-----------|

## VII. Board of Trustees of University of Montevallo:

## A. University of Montevallo:

## 1. Operations and Maintenance:

|   |           |
|---|-----------|
| (a) Instruction .....                               | 3,199,975 |
| (b) Research .....                                  | 50,000    |
| (c) Public Service .....                            | 89,456    |
| (d) Libraries .....                                 | 249,691   |
| (e) Academic Support .....                          | 372,312   |
| (f) Student Services .....                          | 392,952   |
| (g) Institutional Support .....                     | 807,390   |
| (h) Operation & Maintenance of Physical Plant ..... | 1,546,618 |
| (i) Scholarships and Fellowships                    | 77,070    |
| (j) Hospitals .....                                 | 306,080   |
| (k) Auxiliary Enterprises .....                     | 1,966,651 |

## SOURCE OF FUNDS:

|  |           |                  |           |
|--|-----------|------------------|-----------|
| (1) ASETF .....                        | 5,175,198 |                  |           |
| (2) State Funds .....                  |           | 85,000           |           |
| (3) Federal Funds .....                |           | 323,959          |           |
| (4) Other Sources .....                |           | <u>3,474,038</u> |           |
| Total Operations and Maintenance ..... | 5,175,198 | 3,882,997        | 9,058,195 |

## 2. School for Aphasic Children:

|                       |         |
|-----------------------|---------|
| (a) Instruction ..... | 276,072 |
|-----------------------|---------|

## SOURCE OF FUNDS:

|                                   |         |               |         |
|-----------------------------------|---------|---------------|---------|
| (1) ASETF .....                   | 199,464 |               |         |
| (2) Federal Funds .....           |         | 3,000         |         |
| (3) Other Sources .....           |         | <u>73,608</u> |         |
| Total School for Aphasic Children | 199,464 | 76,608        | 276,072 |

## 3. Highway Safety Program:

|                       |  |  |         |
|-----------------------|--|--|---------|
| (a) Instruction ..... |  |  | 127,788 |
|-----------------------|--|--|---------|

## SOURCE OF FUNDS:

|                                 |         |              |         |
|---------------------------------|---------|--------------|---------|
| (1) ASETF .....                 | 125,714 |              |         |
| (2) Other Sources .....         |         | <u>2,074</u> |         |
| Total Highway Safety Program .. | 125,714 | 2,074        | 127,788 |

## 4. Communications Center:

|                          |  |  |        |
|--------------------------|--|--|--------|
| (a) Public Service ..... |  |  | 18,178 |
|--------------------------|--|--|--------|

## SOURCE OF FUNDS:

|                                 |               |  |        |
|---------------------------------|---------------|--|--------|
| (1) ASETF .....                 | <u>18,178</u> |  |        |
| Total Communications Center ... | 18,178        |  | 18,178 |

## 5. For Vocational Teacher Training .....

50,000

## SOURCE OF FUNDS:

|                                   |               |  |        |
|-----------------------------------|---------------|--|--------|
| (1) ASETF .....                   | <u>50,000</u> |  |        |
| Total Vocational Teacher Training | 50,000        |  | 50,000 |

## TOTAL UNIVERSITY OF MONTEVALLO .....

5,568,554      3,961,679      9,530,233

## VIII. Board of Trustees of University of North Alabama:

## A. University of North Alabama:

## 1. Operations and Maintenance:

|   |  |           |  |
|---|--|-----------|--|
| (a) Instruction .....                               |  | 4,939,000 |  |
| (b) Research .....                                  |  | 106,350   |  |
| (c) Public Service .....                            |  | 51,130    |  |
| (d) Libraries .....                                 |  | 487,000   |  |
| (e) Academic Support (excl. Libr.)                  |  | 629,000   |  |
| (f) Student Services .....                          |  | 835,660   |  |
| (g) Institutional Support .....                     |  | 1,147,000 |  |
| (h) Operation & Maintenance of Physical Plant ..... |  | 1,636,200 |  |
| (i) Scholarships & Fellowships ..                   |  | 60,439    |  |
| (j) Debt Service .....                              |  | 170,700   |  |

## SOURCE OF FUNDS:

|   |                |                  |            |
|---|----------------|------------------|------------|
| (1) ASETF .....   | 6,719,058      |                  |            |
| (2) Federal Funds .....   |                | 284,680          |            |
| (3) Local Funds .....   |                | 85,000           |            |
| (4) Other Sources .....   |                | <u>2,973,741</u> |            |
| Total Operation and Maintenance   | 6,719,058      | 3,343,421        | 10,062,479 |
| 2. Auxiliary Enterprises:   |                |                  |            |
| (a) Auxiliary Enterprises .....   |                |                  | 2,544,321  |
| SOURCE OF FUNDS:  |                |                  |            |
| (1) Other Sources .....   |                | <u>2,544,321</u> |            |
| Total Auxiliary Enterprises .....   |                | 2,544,321        | 2,544,321  |
| 3. Nursing School Scholarships:   |                |                  |            |
| (a) Scholarships & Fellowships ..   |                |                  | 18,000     |
| SOURCE OF FUNDS:  |                |                  |            |
| (1) ASETF .....   | <u>18,000</u>  |                  |            |
| Total Nursing School Scholarships   | 18,000         |                  | 18,000     |
| (To be expended in accordance with<br>Act No. 2304, 1971 Regular<br>Session.) |                |                  |            |
| 4. Operations and Maintenance<br>and Capital Outlay .....                     |                |                  | 225,000    |
| SOURCE OF FUNDS:  |                |                  |            |
| (1) ASETF .....   | <u>225,000</u> |                  |            |
| Total Operations & Maintenance<br>and Capital Outlay .....                    | 225,000        |                  | 225,000    |
| TOTAL UNIVERSITY OF NORTH<br>ALABAMA .....                                    | 6,962,058      | 5,887,742        | 12,849,800 |
| IX. Board of Trustees of Univer-<br>sity of South Alabama:                    |                |                  |            |
| A. University of South Alabama:   |                |                  |            |
| 1. Operations and Maintenance:  |                |                  |            |
| (a) Instruction .....   |                |                  | 7,620,663  |
| (b) Research .....  |                |                  | 175,488    |
| (c) Public Service .....  |                |                  | 49,267     |
| (d) Libraries .....   |                |                  | 416,050    |
| (e) Academic Support (excl. Libr.)  |                |                  | 458,281    |
| (f) Student Services .....  |                |                  | 1,272,356  |
| (g) Institutional Support .....   |                |                  | 1,216,059  |
| (h) Operations and Maintenance of<br>Physical Plant .....                     |                |                  | 2,137,653  |
| (i) Scholarships and Fellowships  |                |                  | 275,181    |



|   |           |
|---|-----------|
| (j) Debt Service .....                    | 1,499,333 |
| (k) Capital Outlay .....                  | 113,283   |
| (l) Equipment—Other than Automotive ..... | 508,199   |
| (m) Automotive Equipment .....            | 19,110    |
| (n) Transfers .....                       | 190,000   |

## SOURCE OF FUNDS:

|  |           |                  |            |
|--|-----------|------------------|------------|
| (1) ASETF .....                        | 9,352,713 |                  |            |
| (2) State Funds .....                  |           | 123,353          |            |
| (3) Federal Funds .....                |           | 481,400          |            |
| (4) Other Sources .....                |           | <u>5,993,457</u> |            |
| Total Operations and Maintenance ..... | 9,352,713 | 6,598,210        | 15,950,923 |

## 2. Statewide Medical Education:

|                       |         |
|-----------------------|---------|
| (a) Instruction ..... | 187,824 |
|-----------------------|---------|

## SOURCE OF FUNDS:

|   |                |  |         |
|---|----------------|--|---------|
| (1) ASETF .....                         | <u>187,824</u> |  |         |
| Total Statewide Medical Education ..... | 187,824        |  | 187,824 |

## 3. Ambulatory Care:

|  |        |
|--|--------|
| (a) Academic Support (excl. Libr.) ..... | 99,304 |
|--|--------|

## SOURCE OF FUNDS:

|                             |               |  |        |
|-----------------------------|---------------|--|--------|
| (1) ASETF .....             | <u>99,304</u> |  |        |
| Total Ambulatory Care ..... | 99,304        |  | 99,304 |

## 4. Family Practice Residency Program:

|  |         |
|--|---------|
| (a) Instruction .....                                  | 423,316 |
| (b) Operations and Maintenance of Physical Plant ..... | 4,880   |
| (c) Equipment—Other than Automotive .....              | 54,804  |
| (d) Transfers .....                                    | 94,000  |

## SOURCE OF FUNDS:

|  |                |  |         |
|--|----------------|--|---------|
| (1) ASETF .....                                | <u>577,000</u> |  |         |
| Total Family Practice Residency Programs ..... | 577,000        |  | 577,000 |

The above appropriation shall be expended for Rural Family Practice Training Programs not limited to but including Family Practice Residency in Baldwin

County, Family Practice Training Center in Pike County and start-up costs for Family Practice Residency Program in Dothan.

5. College of Medicine:

|  |           |
|--|-----------|
| (a) Instruction .....                                | 6,791,483 |
| (b) Research .....                                   | 1,123,449 |
| (c) Public Service .....                             | 24,707    |
| (d) Libraries .....                                  | 408,000   |
| (e) Academic Support .....                           | 386,817   |
| (f) Student Services .....                           | 125,262   |
| (g) Institutional Support .....                      | 869,353   |
| (h) Operations & Maintenance of Physical Plant ..... | 1,280,181 |
| (i) Scholarships and Fellowships .....               | 35,811    |
| (j) Capital Outlay .....                             | 192,695   |
| (k) Equipment—Other than Automotive .....            | 192,695   |
| (l) Transfers .....                                  | 1,791,434 |

SOURCE OF FUNDS:

|                                 |           |                  |            |
|---------------------------------|-----------|------------------|------------|
| (1) ASETF .....                 | 8,832,329 |                  |            |
| (2) Federal Funds .....         |           | 1,262,506        |            |
| (3) Other Sources .....         |           | <u>3,127,052</u> |            |
| Total College of Medicine ..... | 8,832,329 | 4,389,558        | 13,221,887 |

6. University Medical Center:

(Includes University Hospital and clinic)

|                          |            |
|--------------------------|------------|
| (a) Medical Center ..... | 25,971,366 |
|--------------------------|------------|

SOURCE OF FUNDS:

|                                       |           |                   |            |
|---------------------------------------|-----------|-------------------|------------|
| (1) ASETF .....                       | 1,677,427 |                   |            |
| (2) Other Sources .....               |           | <u>24,293,939</u> |            |
| Total University Medical Center ..... | 1,677,427 | 24,293,939        | 25,971,366 |

7. Newborn Growth and Development Program (formerly Infant and Maternal Care):

|                       |        |
|-----------------------|--------|
| (a) Instruction ..... | 79,097 |
|-----------------------|--------|

SOURCE OF FUNDS:

|                                  |               |  |        |
|----------------------------------|---------------|--|--------|
| (1) ASETF .....                  | <u>79,097</u> |  |        |
| Total Infant & Maternal Care ... | 79,097        |  | 79,097 |

8. End Stage Renal Disease:

|                       |        |
|-----------------------|--------|
| (a) Instruction ..... | 25,000 |
|-----------------------|--------|

|                          |  |  |        |
|--------------------------|--|--|--------|
| (b) Capital Outlay ..... |  |  | 29,895 |
|--------------------------|--|--|--------|

## SOURCE OF FUNDS:

|                 |               |  |  |
|-----------------|---------------|--|--|
| (1) ASETF ..... | <u>54,895</u> |  |  |
|-----------------|---------------|--|--|

|                                  |        |  |        |
|----------------------------------|--------|--|--------|
| Total End Stage Renal Disease .. | 54,895 |  | 54,895 |
|----------------------------------|--------|--|--------|

## 9. Division of Allied Health:

|                       |  |  |         |
|-----------------------|--|--|---------|
| (a) Instruction ..... |  |  | 456,770 |
|-----------------------|--|--|---------|

|                                 |  |  |        |
|---------------------------------|--|--|--------|
| (b) Institutional Support ..... |  |  | 74,384 |
|---------------------------------|--|--|--------|

|  |  |  |        |
|--|--|--|--------|
| (c) Equipment—Other than Au-<br>tomotive ..... |  |  | 57,000 |
|--|--|--|--------|

|                     |  |  |        |
|---------------------|--|--|--------|
| (d) Transfers ..... |  |  | 96,145 |
|---------------------|--|--|--------|

## SOURCE OF FUNDS:

|                 |         |  |  |
|-----------------|---------|--|--|
| (1) ASETF ..... | 586,432 |  |  |
|-----------------|---------|--|--|

|                         |  |               |  |
|-------------------------|--|---------------|--|
| (2) Other Sources ..... |  | <u>97,867</u> |  |
|-------------------------|--|---------------|--|

|                                    |         |        |         |
|------------------------------------|---------|--------|---------|
| Total Division of Allied Health .. | 586,432 | 97,867 | 684,299 |
|------------------------------------|---------|--------|---------|

## 10. School of Nursing:

|                       |  |  |         |
|-----------------------|--|--|---------|
| (a) Instruction ..... |  |  | 500,706 |
|-----------------------|--|--|---------|

|                                 |  |  |        |
|---------------------------------|--|--|--------|
| (b) Institutional Support ..... |  |  | 15,000 |
|---------------------------------|--|--|--------|

|  |  |  |        |
|--|--|--|--------|
| (c) Equipment—Other than Au-<br>tomotive ..... |  |  | 30,000 |
|--|--|--|--------|

|                     |  |  |        |
|---------------------|--|--|--------|
| (d) Transfers ..... |  |  | 99,942 |
|---------------------|--|--|--------|

## SOURCE OF FUNDS:

|                 |         |  |  |
|-----------------|---------|--|--|
| (1) ASETF ..... | 468,864 |  |  |
|-----------------|---------|--|--|

|                         |  |        |  |
|-------------------------|--|--------|--|
| (2) Federal Funds ..... |  | 25,500 |  |
|-------------------------|--|--------|--|

|                         |  |                |  |
|-------------------------|--|----------------|--|
| (3) Other Sources ..... |  | <u>151,284</u> |  |
|-------------------------|--|----------------|--|

|                               |         |         |         |
|-------------------------------|---------|---------|---------|
| Total School of Nursing ..... | 468,864 | 176,784 | 645,648 |
|-------------------------------|---------|---------|---------|

## 11. Nursing Scholarships:

|                                  |  |  |        |
|----------------------------------|--|--|--------|
| (a) Scholarships and Fellowships |  |  | 22,593 |
|----------------------------------|--|--|--------|

## SOURCE OF FUNDS:

|                 |        |  |  |
|-----------------|--------|--|--|
| (1) ASETF ..... | 18,000 |  |  |
|-----------------|--------|--|--|

|                         |  |              |  |
|-------------------------|--|--------------|--|
| (2) Other Sources ..... |  | <u>4,539</u> |  |
|-------------------------|--|--------------|--|

|                                  |        |       |        |
|----------------------------------|--------|-------|--------|
| Total Nursing Scholarships ..... | 18,000 | 4,539 | 22,539 |
|----------------------------------|--------|-------|--------|

(To be expended in accordance with  
Act No. 2304, 1971 Regular Ses-  
sion).

12. Research and Public Service  
Extension:

|                    |  |  |        |
|--------------------|--|--|--------|
| (a) Research ..... |  |  | 40,000 |
|--------------------|--|--|--------|

|                          |  |  |        |
|--------------------------|--|--|--------|
| (b) Public Service ..... |  |  | 51,398 |
|--------------------------|--|--|--------|

|  |  |  |        |
|--|--|--|--------|
| (c) Equipment—Other than Au-<br>tomotive ..... |  |  | 10,000 |
|--|--|--|--------|

## SOURCE OF FUNDS:

|  |        |               |         |
|--|--------|---------------|---------|
| (1) ASETF .....                                      | 91,398 |               |         |
| (2) Other Sources .....                              |        | <u>10,000</u> |         |
| Total Research and Public Service<br>Extension ..... | 91,398 | 10,000        | 101,398 |

13. Reproductive Health Sciences  
Center:

|  |  |  |        |
|--|--|--|--------|
| (a) Instruction .....                          |  |  | 25,000 |
| (b) Equipment—Other than Au-<br>tomotive ..... |  |  | 25,000 |

## SOURCE OF FUNDS:

|  |               |  |        |
|--|---------------|--|--------|
| (1) ASETF .....                                      | <u>50,000</u> |  |        |
| Total Reproductive Health Sci-<br>ences Center ..... | 50,000        |  | 50,000 |

## 14. Paramedic Training Program

|   |  |  |         |
|---|--|--|---------|
| (a) For Operations and Mainte-<br>nance ..... |  |  | 125,000 |
|---|--|--|---------|

## Source of Funds:

|   |                |  |         |
|---|----------------|--|---------|
| (1) ASETF .....                             | <u>125,000</u> |  |         |
| Total Paramedic Training Pro-<br>gram ..... | 125,000        |  | 125,000 |

## 15. Auxiliary Enterprises:

|                                 |  |  |           |
|---------------------------------|--|--|-----------|
| (a) Auxiliary Enterprises ..... |  |  | 4,549,481 |
|---------------------------------|--|--|-----------|

## Source of Funds:

|                                   |                  |  |           |
|-----------------------------------|------------------|--|-----------|
| (1) Other Sources .....           | <u>4,549,481</u> |  |           |
| Total Auxiliary Enterprises ..... | 4,549,481        |  | 4,549,481 |

## 16. Basic Medical Sciences:

|   |  |  |         |
|---|--|--|---------|
| (a) Instruction .....                                     |  |  | 276,060 |
| (b) Research .....  |  |  | 51,379  |
| (c) Libraries .....                                       |  |  | 41,092  |
| (d) Academic Support .....                                |  |  | 63,669  |
| (e) Student Services .....                                |  |  | 7,688   |
| (f) Institutional Support .....                           |  |  | 25,662  |
| (g) Operations and Maintenance of<br>Physical Plant ..... |  |  | 75,850  |

## SOURCE OF FUNDS:

|                         |         |               |  |
|-------------------------|---------|---------------|--|
| (1) ASETF .....         | 527,000 |               |  |
| (2) Other Sources ..... |         | <u>14,400</u> |  |

|                                      |         |        |         |
|--------------------------------------|---------|--------|---------|
| Total Basic Medical Sciences . . . . | 527,000 | 14,400 | 541,400 |
|--------------------------------------|---------|--------|---------|

## 17. Medical Genetics Center:

|                           |  |  |         |
|---------------------------|--|--|---------|
| (a) Instruction . . . . . |  |  | 100,000 |
|---------------------------|--|--|---------|

## SOURCE OF FUNDS:

|                     |         |  |  |
|---------------------|---------|--|--|
| (1) ASETF . . . . . | 100,000 |  |  |
|---------------------|---------|--|--|

|                                     |         |  |         |
|-------------------------------------|---------|--|---------|
| Total Medical Genetics Center . . . | 100,000 |  | 100,000 |
|-------------------------------------|---------|--|---------|

|   |            |            |            |
|---|------------|------------|------------|
| TOTAL UNIVERSITY OF SOUTH ALABAMA . . . . . | 22,827,283 | 40,134,778 | 62,962,061 |
|---|------------|------------|------------|

(These appropriations under Section IX, University of South Alabama, are for the unrestricted support of these activities and therefore insurance companies, whether operated for profit or not for profit, licensed under the laws of the State of Alabama whether acting on their behalf or for others are hereby prohibited from applying or taking into account in any manner whatsoever, any portion of these appropriations in determining reimbursements for patient care activities.)

## X. Board of Trustees of Troy State University

## A. Troy State University:

## 1. Operations and Maintenance:

|   |           |
|---|-----------|
| (a) Instruction . . . . .                                 | 4,076,400 |
| (b) Research . . . . .                                    | 32,800    |
| (c) Libraries . . . . .                                   | 377,900   |
| (d) Academic Support (Excl. Libr.) . . . . .              | 259,800   |
| (e) Student Services . . . . .                            | 831,200   |
| (f) Institutional Support . . . . .                       | 1,090,300 |
| (g) Operation and Maintenance of Physical Plant . . . . . | 1,300,000 |
| (h) Scholarships and Fellowships . . . . .                | 360,000   |
| (i) Public Service . . . . .                              | 221,800   |
| (j) Auxiliary Enterprises . . . . .                       | 3,265,318 |
| (k) Capital Outlay . . . . .                              | 365,000   |
| (l) Debt Services . . . . .                               | 245,000   |
| (m) Transfer to Plant Fund . . . . .                      | 100,000   |
| (n) For Vocational Teacher Training . . . . .             | 100,000   |

## SOURCE OF FUNDS:

|   |           |                  |            |
|---|-----------|------------------|------------|
| (1) ASETF .....                                       | 6,408,599 |                  |            |
| (2) Federal Funds .....                               |           | 500,000          |            |
| (3) Other Sources .....                               |           | <u>5,716,919</u> |            |
| Total Operations and Maintenance .....                | 6,408,599 | 6,216,919        | 12,625,518 |
| 2. Operation and Maintenance at Ft. Rucker/Dothan:    |           |                  |            |
| (a) Instruction .....                                 |           |                  | 1,137,700  |
| (b) Libraries .....                                   |           |                  | 114,900    |
| (c) Academic Support (Excl. Libr.) .....              |           |                  | 154,700    |
| (d) Student Services .....                            |           |                  | 131,200    |
| (e) Institutional Support .....                       |           |                  | 172,500    |
| (f) Operation and Maintenance of Physical Plant ..... |           |                  | 116,626    |
| (g) Scholarships and Fellowships .....                |           |                  | 20,000     |
| (h) Auxiliary Enterprises .....                       |           |                  | 145,000    |
| (i) Capital Outlay .....                              |           |                  | 115,000    |
| (j) Debt Service .....                                |           |                  | 80,000     |

## SOURCE OF FUNDS:

|   |         |                  |           |
|---|---------|------------------|-----------|
| (1) ASETF .....   | 870,000 |                  |           |
| (2) Other Sources .....                                     |         | <u>1,317,625</u> |           |
| Total Operations and Maintenance at Ft. Rucker/Dothan ..... | 870,000 | 1,317,626        | 2,187,626 |
| 3. Operations and Maintenance in Montgomery:                |         |                  |           |
| (a) Instruction .....                                       |         |                  | 1,271,300 |
| (b) Public Service .....                                    |         |                  | 66,500    |
| (c) Libraries .....   |         |                  | 15,000    |
| (d) Academic Support (Excl. Libr.) .....                    |         |                  | 145,000   |
| (e) Student Services .....                                  |         |                  | 235,000   |
| (f) Institutional Support .....                             |         |                  | 495,000   |
| (g) Scholarships and Fellowships .....                      |         |                  | 5,000     |
| (h) Auxiliary Enterprises .....                             |         |                  | 220,000   |
| (i) Capital Outlay .....                                    |         |                  | 50,000    |

## SOURCE OF FUNDS:

|  |         |                  |           |
|--|---------|------------------|-----------|
| (1) ASETF .....                                      | 222,800 |                  |           |
| (2) Other Sources .....                              |         | <u>2,280,000</u> |           |
| Total Operations and Maintenance in Montgomery ..... | 222,800 | 2,280,000        | 2,502,800 |

## 4. Nursing Scholarships:

|                                  |        |
|----------------------------------|--------|
| (a) Scholarships and Fellowships | 36,000 |
|----------------------------------|--------|

## SOURCE OF FUNDS:

|                 |        |  |
|-----------------|--------|--|
| (1) ASETF ..... | 36,000 |  |
|-----------------|--------|--|

|                                  |        |        |
|----------------------------------|--------|--------|
| Total Nursing Scholarships ..... | 36,000 | 36,000 |
|----------------------------------|--------|--------|

(To be expended in accordance with Act No. 2292, 1971 Regular Session.)

## 5. Operation and Maintenance of Troy State University's Bay Minette Branch:

|                       |        |
|-----------------------|--------|
| (a) Instruction ..... | 50,000 |
|-----------------------|--------|

## SOURCE OF FUNDS:

|                 |        |  |
|-----------------|--------|--|
| (1) ASETF ..... | 50,000 |  |
|-----------------|--------|--|

|  |        |        |
|--|--------|--------|
| Total Operation and Maintenance in Bay Minette ..... | 50,000 | 50,000 |
|--|--------|--------|

## 6. Operation and Maintenance of BSN Program in Montgomery:

|                       |         |
|-----------------------|---------|
| (a) Instruction ..... | 250,000 |
|-----------------------|---------|

## SOURCE OF FUNDS:

|                 |         |  |
|-----------------|---------|--|
| (1) ASETF ..... | 250,000 |  |
|-----------------|---------|--|

|                                       |         |         |
|---------------------------------------|---------|---------|
| Total Nursing School—Montgomery ..... | 250,000 | 250,000 |
|---------------------------------------|---------|---------|

|                                   |           |           |            |
|-----------------------------------|-----------|-----------|------------|
| TOTAL TROY STATE UNIVERSITY ..... | 7,837,399 | 9,814,545 | 17,651,944 |
|-----------------------------------|-----------|-----------|------------|

XI. Of the amounts appropriated herein above to all colleges and universities for the fiscal year ending September 30, 1979, the following salary increases shall be granted by degrees to all full-time professional staff in addition to salary now received and all merit, promotional, and other salary increments due: Bachelors Degree not less than one thousand one hundred thirty dollars (\$1,130) per annum; Master's Degree not less than one thousand two hundred forty-five dollars (\$1,245) per annum; Master's Degree plus thirty semester hours not less than one thousand three hundred and sixty dollars (\$1,360) per annum; Master's Degree plus sixty hours not less than one thousand four hundred seventy-five dollars (\$1,475) per annum; Doctorate Degree not less than one thousand five hundred ninety dollars (\$1,590) per annum for the regular academic year. Persons employed for ten, eleven, or twelve months shall receive an additional pro rata salary increase. Provided, however, the provisions herein above shall not apply to any medical, dental, optometry, nursing and other health related schools except for the teaching personnel in the basic sciences.

## XII. Board of Trustees for Alabama Institute for Deaf and Blind

## A. Alabama Institute for Deaf and Blind:

## 1. Operation and Maintenance:

|  |           |
|--|-----------|
| (a) Instructions .....                                   | 1,710,440 |
| (b) Libraries .....                                      | 72,368    |
| (c) Student Services .....                               | 379,151   |
| (d) Institutional Support .....                          | 149,190   |
| (e) Operation and Maintenance of<br>Physical Plant ..... | 1,337,543 |
| (f) Scholarships and Fellowships .....                   | 1,800     |
| (g) Infirmary Speech and Hearing .....                   | 133,233   |
| (h) Auxiliary Enterprises .....                          | 2,179,651 |

## SOURCE OF FUNDS:

|   |           |                  |           |
|---|-----------|------------------|-----------|
| (1) ASETF .....                                     | 3,696,500 |                  |           |
| (2) Federal Funds .....                             |           | <u>2,266,876</u> |           |
| Total Alabama Institute for Deaf<br>and Blind ..... | 3,696,500 | 2,266,876        | 5,963,376 |

## B. Department of Adult Blind and Deaf:

## 1. Operation and Maintenance:

|  |           |
|--|-----------|
| (a) Instruction .....                                    | 1,105,085 |
| (b) Libraries .....                                      | 77,133    |
| (c) Academic Support (Excl. Libr.) .....                 | 32,441    |
| (d) Student Services .....                               | 805,927   |
| (e) Institutional Support .....                          | 259,251   |
| (f) Operation and Maintenance of<br>Physical Plant ..... | 312,833   |
| (g) Auxiliary Enterprises .....                          | 5,896,247 |
| (h) Equipment—Other than Au-<br>tomotive .....           | 63,466    |
| (i) Automotive Equipment .....                           | 12,501    |

## SOURCE OF FUNDS:

|   |           |                  |           |
|---|-----------|------------------|-----------|
| (1) ASETF .....                                     | 1,518,500 |                  |           |
| (2) Federal Funds .....                             |           | 2,017,349        |           |
| (3) Other Sources .....                             |           | <u>5,029,035</u> |           |
| Total Alabama Institute for Deaf<br>and Blind ..... | 1,518,500 | 7,046,384        | 8,564,884 |

GRAND TOTAL ALABAMA IN-  
STITUTE FOR DEAF AND  
BLIND .....

5,215,000 9,313,260 14,528,260

Also each certificated employee shall be allowed two hundred forty-seven dollars and twenty cents (\$247.20) to provide hospital-medical insurance assistance. A majority of the participating professional employees shall



select the plan(s) and the carrier(s) of the hospital-medical insurance. Of the appropriation above three hundred dollars (\$300) per teacher unit for grades K-12 is allocated for all teachers employed (except ESEA Title I and Title III teachers and ESAA teachers) and shall be allotted for the purchase of instructional supplies, materials, and equipment, excluding furniture and fixtures. The faculty and principal shall cooperatively develop a budget for instructional supplies and materials and, based on this budget, recommend to the President the amount to be allotted to each teacher for the operation of the instructional program within the school. The board of trustees shall issue requisitions for purchases from these funds and shall issue purchase orders and handle all financial transactions in compliance with this section. Of the amount appropriated above for the fiscal year ending September 30, 1979, in addition to salary now received and all salary increments due, all teachers and administrative employees shall receive salary increases as follows: Teachers holding Rank "AA" or equivalent certificates not less than one thousand three hundred sixty dollars (\$1,360) per annum; Rank I or its equivalent teachers not less than one thousand two hundred forty-five dollars (\$1,245) per annum; Rank II or its equivalent teachers not less than one thousand one hundred thirty dollars (\$1,130) per annum; Rank III or its equivalent teachers not less than one thousand fifteen dollars (\$1,015) per annum; Rank IV or its equivalent teachers not less than nine hundred (\$900) per annum for the regular academic year. Persons employed for ten, eleven or twelve months shall receive an additional pro rata salary increase." In addition to the salary now received by support personnel, full-time support personnel shall receive a salary increase of not less than five hundred dollars (\$500) per annum for nine months employment.

Personnel employed for more than nine months shall receive additional pro rata increases. Full-time support personnel shall be defined as those support personnel working at least six hours per day. Those support personnel working less than six hours per day shall receive pro rata increases based on the number or hours worked per day.

### XIII. State Board of Education

#### A. Athens State College:

##### 1. Operations and Maintenances:

|  |           |
|--|-----------|
| (a) Instruction .....                                    | 1,173,389 |
| (b) Institutional Support .....                          | 105,072   |
| (c) Administrative Support .....                         | 442,221   |
| (d) Student Services .....                               | 144,347   |
| (e) Operation and Maintenance of<br>Physical Plant ..... | 362,141   |
| (f) Auxiliary Enterprises .....                          | 323,122   |

##### SOURCE OF FUNDS:

|                                |           |                  |           |
|--------------------------------|-----------|------------------|-----------|
| (1) ASETF .....                | 1,417,162 |                  |           |
| (2) Federal Funds .....        |           | 122,250          |           |
| (3) Other Sources .....        |           | <u>1,010,880</u> |           |
| Total Operations & Maintenance | 1,417,162 | 1,133,130        | 2,550,292 |

##### 2. Vocational Teacher Training:

## SOURCE OF FUNDS:

|   |           |           |
|---|-----------|-----------|
| (1) ASETF .....   | 125,000   |           |
| Total Vocational Teacher Training   | 125,000   | 125,000   |
| TOTAL ATHENS STATE COLLEGE .....  | 1,542,162 | 2,675,292 |
| Section 6. For Funding of a Paramedic Training Program with the proposed instruction to be conducted at the following institutions. |           |           |
| 1. George C. Wallace Community College at Dothan  |           |           |
| For Operations and Maintenance  | 125,000   |           |
| 2. Gadsden State Junior College   |           |           |
| For Operation and Maintenance   | 125,000   |           |
| Section 7. Other Educational Appropriations:  |           |           |
| George C. Wallace Community College—Technical Branch—Dothan:  |           |           |
| For a nursing school .....  | 750,000   |           |
| George Corley Wallace State Community College (Selma):  |           |           |
| For Operations and Maintenance at the facility formerly Craig AFB .....   | 116,300   |           |
| George Corley Wallace State Community College—Technical Branch (Selma):   |           |           |
| For Operations and Maintenance at the facility formerly Craig AFB .....   | 324,000   |           |
| For construction of a vocational school to be located at Winfield in Marion County .....  | 100,000   |           |
| James H. Faulkner State Junior College—Capital Outlay .....   | 200,000   |           |
| Enterprise State Junior College—Capital Outlay .....  | 200,000   |           |
| George C. Wallace Community College—Hanceville:   |           |           |
| For Capital Outlay purposes ....  | 2,500,000 |           |
| Elba City Board of Education—Capital Outlay .....   | 500,000   |           |
| Chattahoochee Valley Community College:   |           |           |

For Capital Outlay purposes . . . . 2,000,000

Section 8. Conditional Appropriations:

The appropriations in this section are conditional upon the condition of the Alabama Special Educational Trust Fund and the approval of the Governor.

Southern Union State Junior College:

For capital outlay purposes . . . . . 300,000

University of Alabama in Birmingham:

For capital outlay purposes for the renovation and equipping of the building known as the Alabama Theater . . . . . 345,000

Walker County State Trade School:

For the capital outlay for simulated mines . . . . . 400,000

Provided that this appropriation may not be paid if federal funds are made available to fund this project on or before January 1,

Alabama Peace Officers Standards and Training Commission . . . . . 300,000

East Alabama Regional Child Development . . . . . 225,000

The following conditional appropriations to city and county boards of education are for repair or replacing burned school buildings or buildings which have been damaged or destroyed by natural disasters, or schools with critical needs.

BOARDS OF EDUCATION

SCHOOL

|                 |                     |         |
|-----------------|---------------------|---------|
| Gadsden City    | General Forest      | 275,000 |
| Hartselle City  | Morgan Co. Training | 290,000 |
| Lamar County    | Vernon Vocational   | 15,000  |
| Lawrence County | Chalybeate          | 240,000 |
| Madison County  | New Market          | 125,000 |
| Marshall County | Boaz Middle         | 315,000 |
| Shelby County   | Montevallo High     | 125,000 |

|                  |                        |         |
|------------------|------------------------|---------|
| Cullman County   | Baileyton              | 100,000 |
| Tuscumbia City   | Deshler Jr. High       | 100,000 |
| Jefferson County | McAdory                | 275,000 |
| Mobile County    | Prichard Middle        | 315,000 |
| Randolph County  | Folsom Jr. High School | 300,000 |

#### Section 9.

##### A. SPECIAL MENTAL HEALTH FUND:

(1) There is hereby transferred from the Special Mental Health Trust Fund to the Board of Trustees of University of Alabama \$2,882,899 to be expended under the programmatic area as shown under subsection 12 on page 42.

(2) There is hereby transferred from the Special Mental Health Trust Fund \$487,250 to be expended under the programmatic area as shown under subsection 13 on page 43.

##### B. PUBLIC SCHOOL FUND:

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100.00) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Section 257, 258, and 259 of the Constitution in 1901; and the amount appropriated from all other funds as is now provided by law, provided, however, not more than four percent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools.

Section 10. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds provided for in this Act, whereupon the Comptroller, shall issue his warrant therefore; provided, that all appropriations and funds made available to the University of Alabama at Tuscaloosa, University of Alabama in Birmingham, University of Alabama in Huntsville, Alabama A & M University, Alabama State University, Auburn University, Alabama Institute for Deaf and Blind, Alabama Educational Television Commission, Jacksonville State University, Livingston State University, University of Montevallo, University of North Alabama, University of South Alabama, State Social Security Board, Teachers' Retirement System, Troy State University, and the Youth Services Board by the provisions of this Act shall be paid by request to the Comptroller made in the manner now provided by law.

Section 11. That nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

Section 12. The provisions of this Act are severable. If any portion, paragraph, sentence, clause, provision, or portion of this Act, or all or any portion of any appropriation or appropriations herein made, be held unconstitutional or invalid, which holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act, or any other appropriation or portion thereof made not in and of itself unconstitutional or invalid.

Section 13. This Act shall become effective on October 1, 1978.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 756. To amend Act No. 556 of the Regular Session of the Legislature of Alabama of 1959, approved November 19, 1959 (Ala. Acts, 1959, p. 1376), as heretofore amended, which Act established a supplemental pension and relief or retirement system for firemen and policemen who are members of any pension and relief system established under Act No. 929 of the Regular Session of the Legislature of Alabama of 1951 (Ala. Acts 1951, p. 1579).

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate bill:

S. 608. To remove all restrictions relating to Public Employees of any County or City in the State of Alabama, pertaining to his right to participate in certain political activities and allow public employees the right to free expression in public welfare.

And the Speaker of the House has appointed as a Committee on the part of the House Messrs. Johnstone, Morris and Holmes (A).

JOHN W. PEMBERTON,  
Clerk.

#### FURTHER CONSIDERATION OF H. B. 245

The Senate proceeded to further consideration of the Bill, H. B. 245.

The question was on the substitute offered by Mr. Owen.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 756. To amend Act No. 556 of the Regular Session of the Legislature of Alabama of 1959, approved November 19, 1959 (Ala. Acts, 1959, p. 1376), as heretofore amended, which Act established a supplemental pension and relief or retirement system for firemen and policemen who are members of any pension and relief system established under Act No. 929 of the Regular Session of the Legislature of Alabama of 1951 (Ala. Acts, 1951, p. 1579).

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 1148. Relating to Baldwin County; providing for the collection of a filing fee on instruments, documents and papers filed for records in the Probate Judge's office.

Also:

H. 1087. Relating to St. Clair County; to require the county governing body of said county to provide for a civil service merit system for employees of the sheriff's office in said county.

Also:

H. 1139. Relating to the City of Jacksonville in Calhoun County; to provide for an advisory referendum for the qualified electors to express whether the members of the city board of education shall be selected by election as herein provided.

JOHN W. PEMBERTON,  
Clerk.

#### FURTHER CONSIDERTION OF H. B. 245

The Senate proceeded to further consideration of the Bill, H. B. 245.

The question was on the substitute offered by Mr. Owen.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1087. Relating to St. Clair County; to require the county governing

body of said county to provide for a civil service merit system for employees of the sheriff's office in said county.

Also:

H. 1139. Relating to the City of Jacksonville in Calhoun County; to provide for an advisory referendum for the qualified electors to express whether the members of the city board of education shall be selected by election as herein provided.

Also:

H. 1148. Relating to Baldwin County; providing for the collection of a filing fee on instruments, documents and papers filed for records in the Probate Judge's office.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 1101. Relating to Morgan County; levying in certain areas of such county a special county privilege license tax, paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3, and 40-23-4 of Code of Alabama 1975, as amended; providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the State Department of Revenue; prescribing penalties and fixing punishment for violation of this act.

Said Governor's Message being in words and figures as follows, to-wit:

### MESSAGE FROM THE GOVERNOR

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I am transmitting herewith a Message from the Governor concerning House Bill 1101, without the Governor's signature and approval and with a suggested Executive Amendment.

Respectfully submitted,  
HENRY B. STEAGALL,  
Executive Secretary.

Done this 24th day of April, 1978.

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

In accordance with my previous promise to the people that I would not support any tax without a vote of the people, I am returning herewith House Bill 1101 without my signature and approval because it imposes a direct tax on the citizens of Morgan County without their being able to vote on the issue. The following suggested Executive Amendment will allow the citizens of Morgan County to vote on this issue.

It is my suggestion that House Bill Number 1101 be amended by adding a new Section 8, as follows, and renumbering the subsequent sections accordingly.

Section 8. The substantive provisions of this act shall become operative in the county gross receipts tax area only if approved by a majority of the electors of the county gross receipts tax area voting in a referendum to be held in such area on the day of the next statewide primary election following the passage of this act or as further provided below. The governing body of the county shall order and provide for the holding of the first referendum on such primary date. On the ballots to be used at the election the question shall be stated substantially as follows: "Shall the provisions of Act No. \_\_\_\_\_, of the \_\_\_\_\_ Session of the Legislature, approved the \_\_\_\_\_ day of \_\_\_\_\_, 1978, which relates to the levy of a special county privilege license tax, be adopted? Yes ( ) No ( )." If a majority of the votes cast in the election are "yes," the provisions of this act shall become operative immediately. If a majority of the votes are "No," this act shall have no effect at that time. If a majority of the votes are "No," and in the event ten percent (10%) of the qualified electors in the county gross receipts tax area voting in the first referendum election shall petition the county governing body within ninety (90) days prior to the next statewide primary election, the governing body of the county shall order the holding of a second referendum election on such date. On the ballots to be used at the election the question shall be stated the same as above. If a majority of the votes cast in the election are "Yes," the provisions of this act shall become operative on the first day of the second month following said election. If a majority of the votes are "No," this act shall have no further effect.

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this bill.

Respectfully,

GEORGE C. WALLACE,  
Governor.

And the House concurred in and adopted the amendment proposed by His Excellency, the Governor to the Bill, H. B. 1101, by a vote of a majority of the whole number elected to the House, said votes being: Yeas 51; Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 51; Nays 0.



And said Bill, H. 1101, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Edwards, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 1101, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

which was a majority of the whole number elected to the Senate.

#### FURTHER CONSIDERATION OF H. B. 245

The Senate proceeded to further consideration of the Bill, H. B. 245.

The question was on the substitute offered by Mr. Owen.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 107. Relating to presidential preference primary elections; to provide for the time and manner of holding such elections; to provide for qualifying petitions and fees and the method of allotting and naming delegates; to make the provisions hereof apply to vice presidential candidates at the election of the party; to prescribe the duties of the secretary of state, party officials and candidates with respect to the primary; to amend Code of Alabama 1975, Section 17-16-6; and to repeal conflicting laws.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. King, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 107, the title of which is set out in the foregoing Message from the House, to-wit:

#### AMENDMENT TO S. B. 107

Amend S. 107 as follows:

On page 2, line 24, by adding at the end of Section 3 the following new sentence:

Each candidate must also file, with his qualifying petitions, a slate of proposed delegates, who are qualified electors of the state, to be pledged to that candidate.

On page 4, line 6, by inserting, after the word "number," the following words:

, provided that the number of persons who are ex-officio delegates by reason of party office shall not be included in such computation but shall be separately apportioned pro rata among the successful candidates.

On page 4, by striking out everything from the word "and" on line 20 to the word "behalf" on line 28 and inserting in lieu thereof the following:

from the proposed slate filed by him pursuant to Section 3 hereof.

On pages 4 and 5 by striking out everything from the word "Likewise" on line 37 of page 4 to the end of the section on line 10 of page 5.

#### AMENDMENT TO S. B. 107

Amend S. 107, page 1, line 38, by inserting at the end of Section 2 the following new sentence:

Any political party holding a presidential preference primary may promulgate rules for the conduct of such primary not inconsistent with the provisions of this Act.

#### AMENDMENT TO S. B. 107

Amend S. 107, page 4, line 7, by striking the word "ten" and inserting in lieu thereof the word:

fifteen

Yeas 29; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Edwards, Ellis, Fine, Foshee, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—29

*Nays:*

—0

#### FURTHER CONSIDERTION OF H. B. 245

The Senate proceeded to further consideration of the Bill, H. B. 245.

The question was on the substitute offered by Mr. Owen.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Report of the Committee on Conference on the disagreement of the two Houses on the Bill:

S. 741. To amend Sections 14-1-4 and 14-1-6 of the Code of Alabama 1975, so as to allow the Commissioner of Corrections to appoint one additional deputy commissioner and to provide further for the compensation of all deputy commissioners.

and has requested that the present Conference Committee be discharged and a new Conference Committee appointed.

And the Speaker of the House has appointed as Conferees on part of the House Messrs. Robertson, Moore (O), and Cooper.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Jones, the Senate acceded to the request of the House that the present Conference Committee be discharged and a new Conference Committee appointed to reconcile the differences between the two Houses on the House amendment to the Bill, S. B. 741, the title of which is set out in the foregoing Message form the House.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), Mims, Mitchell, Noonan, Peden, Perloff, Perry, Powell, St. John, Shelby, Teague, Vacca, Waldrop.

—24

*Nays:*

—0

And the President and Presiding Officer of the Senate appointed as Conferees on part of the Senate Messrs. Jones, Mims, and Teague.

### FURTHER CONSIDERATION OF H. B. 245

The Senate proceeded to further consideration of the Bill, H. B. 245.

The question was on the substitute offered by Mr. Owen.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 170. To make further appropriations of State Funds for the fiscal year ending September 30, 1978.

said Conference Report being in words and figures as follows:

### REPORT OF COMMITTEE ON CONFERENCE ON HOUSE BILL 170

We, the committee of conference appointed to reconcile the differences

between the two houses concerning the Bill, H. B. 170, have met and considered the matter referred and beg leave to report as follows:

Substitute House Bill 170 is attached.

JAMES G. SASSER,

LEIGH PEQUES,

DR. DEWEY WHITE, JR.,  
Conferees on the part of the House.

BINGHAM EDWARDS,

GEORGE MCMILLAN,

T. D. LITTLE,  
Conferees on the part of the Senate.

SUBSTITUTE FOR H. B. 170

A BILL  
TO BE ENTITLED  
AN ACT

To make further appropriations of State Funds for the fiscal year ending September 30, 1978.

Be it enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore or hereafter made from the state General Fund there is hereby appropriated from said fund for the fiscal year ending September 30, 1978 the following:

For transfer to the State Board of  
Corrections:

For salaries ..... \$2,300,000.00

For salaries, operation and main-  
tenance at the new Draper facil-  
ity ..... 900,000.00

For transfer to the Medical Services  
Administration:

For medical assistance through the  
Medicaid Program ..... 2,400,000.00

(Provided, however, that the above  
\$2,400,000 for the Medicaid Pro-  
gram shall only be expended  
after the Medicaid Services Ad-  
ministration has initiated a  
study of the feasibility of imple-  
menting additional cost con-  
tainment measures.)

For the Unified Judicial Program ..... 1,800,000.00

For the Department of Toxicology  
to implement the Forensic

## REGULAR SESSION

1969

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| Pathology Program for North Alabama .....  | 50,000.00  |
| For the Department of Finance to implement the new Financial Management System .....   | 200,000.00 |
| For the Department of Public Safety:   |            |
| For the hiring, training, and equipping of 70 additional troopers ..   | 500,000.00 |
| (Provided, however, that the above amount for the Department of Public Safety shall be conditional on the passage of adequate funds in the Act proposed by H. B. 244 for said Department for the succeeding fiscal year. The State Budget Officer shall determine how many additional troopers can be afforded in the fiscal year ending September 30, 1979, and shall only release and the Department shall only spend so much of the above \$500,000 in the fiscal year ending September 30, 1978 as will allow the Department of Public Safety to hire the said determined number of troopers.) |            |
| For purchase and equipping of automobiles .....  | 365,000.00 |
| (Provided, however, that no more than 50 automobiles shall be purchased and equipped with this appropriation and in no event shall more automobiles be purchased that the number of new troopers hired under the preceding appropriation of \$500,000.)  |            |
| For Alabama Travel Council:  |            |
| For operations and maintenance and Fall Writers Tour .....   | 25,000.00  |
| For the Parks Division of the Department of Conservation:  |            |
| For salaries .....   | 115,000.00 |
| For maintenance of parks .....   | 185,000.00 |
| Total Parks Division .....   | 300,000.00 |
| (Provided that the above amount for maintenance shall include expenditures for roofing, paint-   |            |

ing, plumbing, electrical and structural repairs, contract services for air conditioning equipment servicing and inspection, boiler inspection and repairs, septic tank and grease trap cleaning.)

For the Liquified Petroleum Gas Board:

For operations and maintenance . 21,157.00

For the Legislature:

For salaries and general operations 400,000.00

Section 2. In addition to all other appropriations heretofore or hereafter made from the Special Educational Trust Fund there is hereby appropriated from said fund for the fiscal year ending September 30, 1978 the following:

For the mumps immunization program . . . . . 200,000.00

Section 3. In addition to all other appropriations heretofore or hereafter made from the Marine Resources Fund there is hereby appropriated from said fund for the fiscal year ending September 30, 1978 the following:

For the Marine Resources Division:

For the purchase and installation of diesel engines for the Bertrum patrol boat . . . . . 35,000.00

For Capital Outlay:

The Department of Conservation is authorized to expend any available monies from the Marine Resources Fund for the capital outlay purposes including repair, maintenance and construction of boat launching ramps during the fiscal year ending September 30, 1978.

Section 4. In addition to all other appropriations heretofore or hereafter made from the Lodgings Tax which is created to use of the Department of Publicity and Information there is hereby appropriated from said tax for the fiscal year ending September 30, 1978 the following:

For the state promotion program . 200,000.00

(Provided, however, that of the above amount for the promotion program the amount of \$15,000 shall be transferred to the Alabama Mountain Lakes Association to be used for operation and maintenance.)

Section 5. Should any word, phrase, clause, section or part of this Act be held to be unconstitutional, it shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE AND CONFERENCE MESSAGE

On motion of Mr. McMillan, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 170, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 26; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Goodwin, Higginbotham, Little, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—26

*Nay:* Mr. Edwards.

—1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 1159. Relating to the City of Gadsden; providing for the fixing and payment of salaries of members of the board of commissioners.

And requests a Committee on Conference, and the Speaker of the House has named as a Committee on Conference on the part of the House Messrs. Ford, Rich and Taylor.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Waldrop, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 1159, the title of which is set out in the foregoing Message from the House.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, McDonald (S), Mims, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Waldrop.

—25

*Nays:*

—0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. Waldrop, McDonald (S), and Pearson.

#### FURTHER CONSIDERATION OF H. B. 245

The Senate proceeded to further consideration of the Bill, H. B. 245.

The question was on the substitute offered by Mr. Owen.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 558. To provide that any person who knowingly sends or causes to be sent, brings or causes to be brought, into this State for sale or distribution, any obscene work, or within this State, manufactures, prints, publishes, sells, distributes, or possesses with intent to sell or distribute, or displays publicly any obscene work, or who knowingly exhibits any obscene performance for monetary consideration shall be guilty of a misdemeanor and shall be punished as provided herein, to provide exemptions from prosecution under this Act, to provide for the extradition of persons charged with violations of this Act, to provide procedures for the issuance of search warrants for the seizure of allegedly obscene works, to provide procedures which comply with constitutional requirements for adversary hearing prior to trial on the question of the obscenity of works seized and to provide copies of works seized, to provide penalties for violation of Sections 2 or 3 of this Act, to provide for the forfeiture of works used in any violation of Sections 2 or 3 of this Act, to repeal Sections 6301, 6305, 6310, 6320, and 6322 of Act No. 607, Acts of Alabama, 1977 Regular Session, to provide for the severability of the parts of this Act, to provide an effective date, and to provide definitions for the provisions of this Act.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Jones, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 558, the title of which is set out in the foregoing Message from the House, to-wit:

#### AMENDMENT TO S. B. 558

Amend S. 558 on page 7, line 16, add the following additional section and renumber the remaining sections:

Section 10. The provisions of this act shall not apply to broadcasts or telecasts through facilities licensed under the Federal Communications Act.



Yeas 20; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), Mims, Noonan, Perloff, Perry, Powell, Proctor, Teague, Wilson.

—20

*Nay:* Mr. Edwards.

—1

#### FURTHER CONSIDERATION OF H. B. 245

The Senate proceeded to further consideration of the Bill, H. B. 245.

The question was on the substitute offered by Mr. Owen.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 35. To revise and amend certain provisions of Act 1205, Acts of Alabama, Regular Session 1975, approved October 10, 1975, as codified in Title 12, Code of Alabama 1975, which said act and the codification thereof implemented the Judicial Article of the Alabama Constitution (Amendment 328 approved December 13, 1973) by providing that the cost and expenses of juries kept together without separation, the cost and expenses of jury commissions, and the expense allowance paid to the regular jurors and petit jurors be paid by the state rather than by the counties of the state; by providing that the number of bailiffs and the compensation thereof be established by the administrative director of courts and by deleting the provisions that bailiffs be paid by the county; by providing for local purchasing procedures for the offices of circuit judges, district judges, circuit clerks, district clerks, registers, court administrators, official court reporters, magistrates, and jury commissions, in order to facilitate the prompt purchase and delivery of clerical office supplies for such court offices; and to make a supplemental appropriation to the Unified Judicial System for the operation thereof for the fiscal year October 1, 1977, through September 30, 1978. The Code sections amended herein are § 12-16-10, § 12-16-34, § 12-16-37, § 12-17-311, and § 12-19-210, Code of Alabama 1975. Article 1, Chapter 19, Title 12, Code of Alabama 1975, is amended by adding § 12-19-10 thereto.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Bank, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 35, the title of which is set out in the foregoing Message from the House, to-wit:

## AMENDMENT TO S. B. 35

A BILL  
TO BE ENTITLED  
AN ACT

To revise and amend certain provisions of title 12 and Title 15, Code of Alabama, 1975, relating to the implementation of the Judicial Article of the Alabama Constitution (Amendment 328 approved December 13, 1973) by providing that the cost and expenses of juries kept together without separation, the cost and expenses of jury commissions, and the expense allowance paid to the regular jurors, grand jurors and petit jurors be paid by the state rather than by the counties of the state; by providing for the number of bailiffs and that the compensation thereof be established by the administrative director of courts and by deleting the provisions that bailiffs be paid by the county; by providing for the disposition of bail forfeitures; by providing for local purchasing procedures for the offices of circuit judges, district judges, circuit clerks, district clerks, registers, court administrators, official court reporters, magistrates, and jury commissions, in order to facilitate the prompt purchase and delivery of clerical office supplies for such court offices; and to make a supplemental appropriation to the Unified Judicial System for the operation thereof for the fiscal year October 1, 1977, through September 30, 1978. The Code sections amended herein are § 12-16-10, § 12-16-34, § 12-16-37, § 12-17-311, § 12-19-210, § 15-13-80 and § 15-13-81 Code of Alabama 1975. Article 1, Chapter 19, Title 12, Code of Alabama 1975, is amended by adding § 12-19-10 thereto.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-16-10, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-16-10. Whenever a jury is, by order of the court, kept together without separation during any night or for any unusual length of time, it is the duty of the sheriff, with the approval of the court, at the expense of the county state, to provide for the jurors and the bailiffs or deputy sheriffs in charge of or attending said jury suitable lodging and meals. If a jury composed of both men and women is kept together overnight, separate lodging shall be provided for jurors of each sex.

"A separation solely by reason of sex, while in the custody of bailiffs or deputy sheriffs, shall not create a presumption of prejudice to an accused, but on the contrary it shall be prima facie presumed that the accused was not prejudiced by reason of the separation of the jury by sexes."

Section 2. Section 12-16-34, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-16-34. (a) Each member of the jury commission shall be paid the sum of \$10.00 per day for the time actually engaged in the discharge of his duties as such member, such sum to be paid out of the county treasury upon the warrant of the probate judge of the county. Such warrant shall be issued by such probate judge upon evidence satisfactory to him that such service has been rendered by the state upon the certification of the circuit clerk that such services have been rendered."

(b) The compensation of each member of the commission shall not exceed for any year of his term the following amounts:

- (1) In counties of 25,000 population or less, \$200.00;

(2) In counties exceeding 25,000 and not exceeding 50,000 population, \$500.00; and

(3) In counties having a population of more than 50,000 \$600.00 or the amount prescribed by local law or a general law of local application based on population, whichever is greater.

Section 3. Section 12-16-37, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-16-37. (a) In counties having 60,000 population or less according to the last federal census preceding the employment, the clerk of the circuit court may be employed as the clerk of the jury commission; and, in such counties, the clerk of the jury commission, whether he is the clerk of the court or not, shall be paid for his services rendered under the direction of the jury commission the sum of \$10.00 per day while actually engaged in performing his duties, such sum to be paid out of the county treasury by the state, upon the order of the president of the jury commission provided, that such clerk of the jury commission shall not receive more than \$600.00 as compensation for his service in any one year.

"(b) In counties having more than 60,000 and less than 200,000 population according to the last or any subsequent federal census, the commission shall employ a clerk who shall hold no other office during the term of his employment and who shall be paid for his services rendered under the direction of the jury commission the sum of \$10.00 per day while actually engaged in performing his duties, such sum to be paid out of the county treasury upon the order of the president of the jury commission by the state, provided that the jury commission in such counties, with the approval of the administrative director of courts, shall have the authority to employ such clerical assistance as is necessary and proper, and may expend for such clerical assistance in compensation and expenses a sum not to exceed \$450.00 per month, or the amount prescribed by local law or a general law of local application based on population, heretofore enacted, whichever is greater.

"(c) In counties having more than 200,000 population according to the last or any subsequent federal census, the jury commission in such county shall have the authority to employ such clerical assistance as such commission deems necessary and proper and may expend for such clerical assistance in compensation and in paying their reasonable and necessary expense in performing the duties of their employment a sum not to exceed \$450.00 per month to be paid out of the county treasury upon the order of the president of the jury commission by the state."

Section 4. Section 12-17-311, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-17-311. Each bailiff shall be compensated by the county in which he serves at the rate of compensation fixed by law as of the effective date of this Code and shall be continued at such rate of compensation until September 30, 1978. thereafter, tThe number of bailiffs and the rate of compensation for such bailiff shall be established and fixed by the administrative director of courts upon recommendation of the presiding circuit judge."

Section 5. Article 1, Chapter 9, Title 12, Code of Alabama 1975, is hereby amended by adding thereto Section 12-19-10 as follows:

"Section 12-19-10. Local purchasing procedures. In order to facilitate the prompt purchase and delivery of equipment, clerical office supplies, court

forms, stationery, and other printed court supplies (hereinafter referred to as "clerical office supplies") used by and in the offices of circuit judges, district judges, circuit clerks, district clerks, registers, court administrators, official court reporters, magistrates, and jury commissions, the presiding circuit judge of each judicial circuit is hereby authorized to administer local purchasing procedures within such judicial circuit and each county thereof as herein provided.

"(1) Not more than 90 days prior to the beginning of each fiscal year, each circuit judge, district judge, circuit clerk, district clerk, register, court administrator, official court reporter, magistrate, and each jury commission, shall submit to the administrative director of courts a written estimate of the costs of clerical office supplies anticipated to be needed and used for the efficient operation of such court office of such court official during the next fiscal year. The administrative director of courts shall thereupon review each such estimate and shall determine and allocate to each such court office, on a quarterly basis, the amount of funds approved and set aside within the funds appropriated to the Unified Judicial System for the purpose of requisitioning and purchasing such clerical office supplies for each such court office. No such court office shall requisition and purchase such clerical office supplies in excess of the quarterly allotment therefor.

"(2) The circuit clerk of each county shall be the local court purchasing agent (hereinafter referred to as the "court agent") to purchase clerical office supplies for the various court offices within such county, provided that the presiding circuit judge may designate by instrument in writing such additional court official or officials within the county as local court purchasing agent or agents for any court office or offices other than the office of the circuit clerk. Such clerical office supplies may be requisitioned and purchased on requisition and purchase order forms provided by the administrative director of courts as follows: the court agent shall submit requisitions and purchase orders to the administrative director of courts for his prompt approval therefor in writing; and upon such approval, the court agent shall then purchase such clerical office supplies by delivering such requisition and purchase order to the appropriate vendor for delivery of such clerical office supplies to the court agent together with an itemized invoice therefor. No further approval shall be necessary to authorize the purchase of such clerical office supplies nor obligate funds and the payment therefor notwithstanding any provision contained in Chapter 4 of Title 41, Code of Alabama 1975. Upon the receipt of such clerical office supplies and the itemized invoice, the court agent shall promptly execute a material receiving report, approve in writing such invoice for payment, and together with a copy of the requisition and purchase order, forward all such documents to the administrative director of courts, who shall deliver such documents to the state comptroller for the prompt payment thereof out of funds appropriated to the Unified Judicial System. Each purchase of clerical office supplies by the court agent shall be in conformity with the state competitive bid laws."

Section 6. Section 12-19-210, Code of Alabama 1975, as amended by Act 759, Acts of Alabama, Regular Session 1977, is hereby further amended to read as follows:

"Section 12-19-210. (a) Regular jurors, grand and petit, shall be entitled to \$10.00 expense allowance for each day's services, \$.05 for each mile traveled in going to and returning from court and ferriage and toll, to be proved by the oath of the juror before the clerk of the court. The clerk shall give each juror a certificate, stating therein the number of days he has served,

the number of miles he has traveled, the amount of ferriage and toll he has paid and the amount of expense allowance to which he is entitled. The certificate shall be receivable in payment of county taxes, and other county dues and shall be payable out of the county state treasury.

(b) The provisions of this section shall be retroactive to May 23, 1977.

Section 7. Section 15-13-80, Code of Alabama 1975, is hereby amended to read as follows:

"Section 15-13-80. (a) The essence of all undertakings of bail, whether upon a warrant, writ of arrest, suspension of judgment, appeal or in any other case, is the appearance of the defendant at court; and the undertaking is forfeited by the failure of the defendant to appear, although the offense, judgment of other matter is incorrectly described in such undertaking, the particular case or matter to which the undertaking is applicable being made to appear to the court.

"(b) If, by reason of the neglect of the defendant to appear, money deposited instead of bail is forfeited and the forfeiture is not discharged or remitted, the clerk with whom it is deposited must, at the end of 30 days, unless the court has before that time discharged the forfeiture, pay over the money deposited to such officer, official or employee authorized by law to receive fines levied by such court. Thereupon the court shall, without any notice to the defendant, enter judgment absolute for the entire sum deposited, and thereupon such money shall become public money of the state general fund of such political subdivision.

Section 8. Section 15-13-81, Code of Alabama 1975, is hereby amended to read as follows:

"Section 15-13-81. (a) When an undertaking of bail is forfeited by the failure of the defendant to appear as required, except when money is deposited instead of bail, a conditional judgment must be entered by the court in favor of the state for the use of the proper county, against the parties to the undertaking for the sum thereon expressed, which judgment may be substantially as follows:

The state vs. A. B. Indictment for assault and battery (or other offense, as the case may be).

It appearing to the court that the said A. B. together with C. D. and E. F. agreed to pay the state of Alabama . . . . . dollars (the sum specified in the undertaking) unless the said A. B. appeared at the time and place mentioned and fixed in the bond or undertaking to answer in this case; and the said A. B. having failed to appear at the time and place mentioned in the bond or undertaking, it is therefore ordered that the state of Alabama, for the use of . . . . . county, recovery of the said A. B., C. D., and E. F. on said undertaking the sum of . . . . . dollars (the sum specified in the undertaking) unless they appear at the next session of this court and show cause why this judgment should not be made absolute.

"(b) Notice of the entry of a judgment set forth in subsection (a) of this section must be issued by the clerk to each defendant, which notice may be in the following form:

The state of Alabama . . . . . county

To A. B., C. D. and E. F.: You are hereby notified that, at

the . . . . . session 19 . . . of the . . . . . court of said county, a judgment was entered against you, of which the following is a copy; (setting out the conditional judgment); and the said judgment will be made absolute against you on the . . . . . day of . . . . . of said court, during the session of said court, unless you then and there appear and show cause against the same.

"(c) The notice required by subsection (b) of this section may be executed by the sheriff of any county in the state and must be returned by the officer executing it, with his proper return thereon endorsed, on or before the day and date fixed or specified in the notice.

"(d) If the notice required by subsection (b) of this section is not served on any of the parties to the undertaking, such other notices as are necessary may from time to time be issued; but two returns of "not found" by the proper officer are equivalent to personal service.

Section 9. There is hereby appropriated, in addition to any other funds heretofore appropriated, from the State General Fund the sum of \$1,800,000.00 for transfer to the Unified Judicial System for the fiscal year October 1, 1977 through September 30, 1978, provided however that this section 9 shall be void and of no effect in the event that House Bill 170, 1978 Regular Session, Alabama Legislature, is enacted into law prior to the passage and approval of this Act, and said House Bill 170 appropriates \$1,800,000.00 to the Unified Judicial System for the fiscal year October 1, 1977 through September 30, 1978.

Section 10. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this are hereby repealed.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Yeas 22; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Goodwin, Higginbotham, Jones, Little, McDonald (S), Mims, Noonan, Perloff, Perry, Proctor, St. John, Teague, Vacca, Wilson.

—22

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 601. To provide salary increases for certain state employees, and to appropriate funds therefor.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 407. Relating to genetics service in public health so as to provide for the University of Alabama in Birmingham Medical Genetics Center expanding its program to provide diagnostic facilities, genetic counseling and prenatal testing for genetic disorders in order to encourage prevention of birth defects and mental retardation; and appropriating an additional \$100,000.00 from the Special Educational Trust Fund to implement the program provided for in this Act.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Proctor, the Senate concurred in and adopted the following House amendment to the Bill, S.B. 407, the title of which is set out in the foregoing Message from the House, to-wit:

## SUBSTITUTE FOR S. B. 407

A BILL  
TO BE ENTITLED  
AN ACT

Relating to genetics service in public health, so as to provide additional appropriations for the University of Alabama in Birmingham Medical Genetics Center and the University of South Alabama to expand their programs to provide diagnostic facilities, genetic counseling and prenatal testing for genetic disorders in order to encourage prevention of birth defects and mental retardation; and appropriating an additional appropriation for the University of Alabama at Tuscaloosa for the development of resident and medical student training in prenatal medicine at the College of Community Health Services; providing that the said supplemental appropriations shall be made from the special educational trust fund to implement the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared to be the policy of this state to identify families who have members with genetic disorders that cause birth defects and mental retardation. A part of this policy shall be to encourage prevention of birth defects and mental retardation through education, genetic counseling, and amniocentesis when applicable.

Section 2. (1) The University of Alabama in Birmingham through its Laboratory of Medical Genetics and the University of South Alabama shall expand their respective medical genetics programs to provide diagnostic facilities, genetic counseling, and prenatal testing for genetic disorders.

(2) Each shall:

(a) Develop an education program designed to educate physicians and the public concerning genetic disorders and the availability of this program.

(b) Assure that genetic counseling is available to those Alabama families who need it. This will include those families who have a member with a birth defect, mental retardation, or other handicapping disorder due to genetic factors as well as families identified by screening to be at increased risk for having a child with one of these problems.

(c) Formulate a graduated fee schedule, based on the ability of the patient to pay, to offset the costs of the program.

(3) Each shall expand its current program to assist private physicians and clinics of the Department of Public Health, the State Crippled Children's Service, and to the Department of Mental Health in referring affected members and their families to the program.

(4) Each shall extend prenatal testing to those families meeting criteria for eligibility, including but not limited to the following:

(a) Pregnant women 35 years of age or older.

(b) Pregnant women having had a previous Down's syndrome child or a child with any other chromosomal disorder.

(c) Pregnancies where one parent is a translocation carrier.

(d) Women who are carriers of an X-linked disorder.

(e) Pregnancies where both parents are carriers of an autosomal recessive disorder that can be detected prenatally.

(f) Pregnancies where the parents have a previous child who has a neural tube defect.

Section 3. The participation by any individual in this program shall be voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance form, or to participation in, any other program.

Section 4. In addition to and not in lieu of any other appropriation, there is appropriated to each the Laboratory of Medical Genetics, University of Alabama in Birmingham and to the University of the South, out of the Special Educational Trust Fund, for the year ending September 30, 1978, the supplemental sum of \$200,000.00 to implement the medical genetics program established under Section 2 of this act.

Section 5. In addition to and not in lieu of any other appropriation, there is appropriated to the University of Alabama at Tuscaloosa out of the Special Educational Trust Fund the supplemental sum of \$100,000.00 to develop a program for resident and medical students training in prenatal medicine at the College of Community Health Sciences.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 28; Nays 0.



*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, King, Little, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—28

*Nays:*

—0

#### FURTHER CONSIDERATION OF H. B. 245

The Senate proceeded to further consideration of the Bill, H. B. 245.

The question was on the substitute offered by Mr. Owen.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 248. To amend Section 16-31-4 Code of Alabama 1975 which provided for a supplemental appropriation of \$100.00 from the Special Educational Trust Fund for each American Legion and American Legion Auxiliary scholarship awarded pursuant to Chapter 31, Title 16, Code of Alabama 1975 so as to extend the member of such scholarships.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Pearson, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 248, the title of which is set out in the foregoing Message from the House, to-wit:

#### SUBSTITUTE FOR S. B. 248

#### A BILL TO BE ENTITLED AN ACT

To amend Section 16-31-4 Code of Alabama 1975 which provided for a supplemental appropriation of \$100.00 from the Special Educational Trust Fund for each American Legion and American Legion Auxiliary scholarship awarded pursuant to Chapter 31, Title 16, Code of Alabama 1975 so as to extend the number of such scholarships.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-31-4, Code of Alabama 1975 is hereby amended to read as follows:

"Section 16-31-4. The sum of \$100.00 is hereby appropriated annually to each state institution of higher learning described in Section 16-31-1, for

each scholarship awarded by any such institution as provided in this chapter, which appropriation shall be paid from the Alabama Special Educational Trust Fund; provided, that no more than thirty one hundred such scholarships shall be provided under this section in any fiscal year."

Section 2. This act shall be effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Goodwin, Higginbotham, Jones, King, Little, McDonald (S), Mims, Mitchell, Noonan, Pearson, Perloff, Perry, Proctor, St. John, Shelby, Teague, Vacca, Waldrop.

—25

*Nays:*

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 738. Relating to Jackson County, Alabama, to provide for the budgeting for the number, classification, and compensation of employees of the office of Sheriff of such county, and the manner of payment therefore; to provide for motor vehicles for said office and maintenance thereof; to provide for the payment of operational cost of the Sheriff's Office; and repealing conflicting laws.

And said bill as thus amended by the report of the Committee on Conference was again read at length and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

### REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 625. DESIGNATING THE AUDITORIUM AT JEFFERSON DAVIS JUNIOR COLLEGE AT BREWTON, ALABAMA, THE "WOODFIN-PATTERSON AUDITORIUM."

H. J. R. 570. HONORING AUBREY H. FLEMING UPON HIS RETIREMENT AS MANAGER OF THE STATE COLISEUM IN MONTGOMERY.

H. J. R. 560. COMMENDING AUSTIN HIGH SCHOOL'S TEAM, NUMBER ONE IN THE NATION FOR THE FIFTH CONSECUTIVE YEAR.

H. J. R. 557. NOTING WITH COMMENDATION THE DEDICATION OF THE NEW BAPTIST STUDENT CENTER AT THE UNIVERSITY OF MONTEVALLO.

H. J. R. 529. COMMENDING THE VINCENT STUDY CLUB, VINCENT, ALABAMA.

H. J. R. 109. MOURNING THE DEATH OF NEAL ANDERSON COLLINS OF MOBILE, ALABAMA.

H. J. R. 626. DESIGNATING THE MUSEUM AT THE JEFFERSON DAVIS STATE JUNIOR COLLEGE IN BREWTON THE "THOMAS E. McMILLAN MUSEUM."

H. J. R. 630. REQUESTING THE CAFETERIA IN THE CAPITOL TO REMAIN OPEN ON DAYS THE LEGISLATURE IS IN SESSION.

H. J. R. 396. CONGRATULATING ANDREW G. HILDRETH ON HIS PROMOTION TO CHIEF OF POLICE, PRICHARD, ALABAMA.

H. J. R. 394. MOURNING THE DEATH OF MR. CLARENCE ELBERT MOSES OF MOBILE, ALABAMA.

H. J. R. 395. MOURNING THE DEATH OF DR. MAYNARD VIVIAN FOSTER, PROMINENT PHYSICIAN.

On motion of Mr. Fine, the Resolutions, H. J. R.'s 625, 570, 560, 557, 529, 109, 626, 630, 396, 394, and 395, were concurred in and adopted by the Senate.

#### FURTHER CONSIDERATION OF H. B. 245

The Senate proceeded to further consideration of the Bill, H. B. 245.

The question was on the substitute offered by Mr. Owen.

#### REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 525. AUTHORIZING THE NAMING OF THE UNIVERSITY OF ALABAMA BASEBALL FIELD, NOW CALLED "THOMAS FIELD" THE "SEWELL-THOMAS FIELD".

Mr. Shelby offered the following substitute for the Resolution, H. J. R. 525, to-wit:

#### SUBSTITUTE FOR H. J. R. 525

AUTHORIZING THE NAMING OF THE STUDENT HEALTH CENTER ON THE CAMPUS OF THE UNIVERSITY OF ALABAMA, the "Thomas D. and Julia W. Russell Hall."

WHEREAS, Thomas D. Russell, a distinguished alumnus of the University of Alabama, and his equally illustrious wife, Julia W. Russell, have manifested generously their support and loyalty to the University for many years, twenty-seven of which Thomas Russell has served as an elected or life member of the Board of Trustees; and

WHEREAS, Mr. and Mrs. Russell have been interested especially in the development and support of all major health care activities in the state and, therefore, it would be particularly fitting for them to be honored by having the impressive student health center on the University of Alabama campus in Tuscaloosa bear their names; and

WHEREAS, the Board of Trustees of the University of Alabama has previously authorized the naming of this building for Mr. and Mrs. Russell, subject to legislative approval, and the members of the legislature wish to join in honoring again these outstanding Alabamians by approving this action; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That the student health center on the campus of the University of Alabama be and the same hereby is named, "Thomas D. and Julia W. Russell Hall" in honor of Thomas and Julia Russell.

BE IT RESOLVED FURTHER, That the Secretary of the Senate is directed to forward copies of this resolution to Mr. and Mrs. Russell.

Which was adopted.

And said Resolution, H. J. R. 525, as thus amended by the substitute, was concurred in and adopted by the Senate.

#### RESOLUTION

Mr. Powell offered the following Senate Resolution, to-wit:

S. R. 461. Whereas, long term care facilities in our state have dedicated themselves to providing quality care to those entrusted to their care; and

Whereas, many of our convalescing aged and chronically ill citizens spend varying periods of time in long term care facilities; and

Whereas, the long term care profession has forcefully demonstrated its dedication by continually striving to upgrade standards of care and improve services; and

Whereas, derogatory statements concerning nursing homes were recently made in a newspaper

Now, therefore, be it resolved that the Senate goes on record as opposing irresponsible, heartless, and insensitive comments concerning aged and infirmed Alabamians made by public health officials of this state.

Which was read and referred to the Standing Committee on Rules.

#### REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL 741

We, the committee of conference appointed to reconcile the differences between the two Houses concerning the bill, S. B. 741, have met and considered the matter referred and beg leave to report as follows:

We recommend that the bill be accepted as follows:

CONFERENCE COMMITTEE  
SUBSTITUTE FOR S. B. 741A BILL  
TO BE ENTITLED  
AN ACT

To amend Sections 14-1-4 and 14-1-6 of the Code of Alabama 1975, so as to allow the Commissioner of Corrections to appoint one additional deputy commissioner and to provide further for the compensation of all deputy commissioners.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 14-1-4, Code of Alabama 1975, is hereby amended to read as follows:

"§ 14-1-4. (a) The board may appoint such officers and employees as it may require for the performance of its duties and shall fix and determine their qualifications, duties and authority. Unless otherwise provided by law, all of the employees of the board, except the commissioner of corrections and the deputy commissioners of corrections; not to exceed two three, shall be subject to the provisions of law with respect to the method, selection, classification and compensation of state employees on a basis of merit.

"(b) The rules and regulations of the state personnel department shall not be applicable to the appointment, tenure or compensation of physicians, surgeons, psychiatrists, psychologists, dentists or allied professional supportive personnel employed by the board."

"§ 14-1-6. (a) The board shall appoint a commissioner of corrections, who shall serve at the pleasure of the board and shall be responsible to it. He shall be the chief administrative officer of the board, and the board may delegate any of its administrative powers and authority to him. The commissioner of corrections shall be a man of good character, of good business experience and experience in the administration of correctional systems. He shall have no financial interest in any partnership, corporation or association with which the board has any financial dealings.

"(b) Before entering upon the duties of his office, the commissioner of corrections shall execute to the state of Alabama a bond, to be approved by the governor, in an amount to be fixed by the governor, but not less than \$10,000.00, for the faithful performance of his duties.

"(c) The commissioner of corrections, with the approval of the board, shall have the authority to appoint deputy commisisoners not to exceed two three, and to define their duties. Their salaries shall each be an annual amount fixed at \$1,500.00 less than the salary of the commissioner of corrections, as specified by law."

Section 3. All laws or parts of laws in conflict with this act are repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

## AMENDMENT TO S. B. 741

Amend S. B. 741 in the title, on page one, beginning on line 21 changing the title to read as follows:

To amend Sections 14-1-4 and 14-1-6 of the Code of Alabama 1975, so as to allow the commissioner of corrections to appoint one additional deputy commissioner; to provide that the commissioner, deputy commissioners and all other appointed personnel shall serve at the pleasure of the board of corrections; and to provide further for the compensation of all deputy commissioners.

In Section 1, on page two, line 9, by deleting the quotation marks (") following the period.

In Section 1, on page two, line 10 by adding a new subsection (c) to read as follows:

"(c) The commissioner, deputy commissioners and all other appointed personnel shall serve at the pleasure of the board of corrections."

## AMENDMENT TO S. B. 741

Amend Senate Bill 741 by adding a new Section 3 and renumbering other sections accordingly. Section 3. Section 14-1-9, Code of Alabama 1975, is hereby amended to read as follows:

Section 3. Section 14-1-9 Same—Advisor to Governor and Legislature.

The board shall be the advisor of the Governor and the Legislature in matters relating to penal and correctional institutions, pardons and paroles and related matters. The board shall advise the Governor and the Legislature at least thirty (30) days prior to making a decision on construction of permanent facilities or any new or existing prison site.

FRED R. JONES,

MASTON MIMS,

JOHN A. TEAGUE,

Conferees on part of the Senate.

GARY COOPER,

OTIS H. MOORE, JR.,

EDWARD D. ROBERTSON,

Conferees on part of the House.

## CONFERENCE REPORT

On motion of Mr. Jones, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses amendment to the Bill:

S. 741. To amend Sections 14-1-4 and 14-1-6 of the Code of Alabama 1975, so as to allow the Commissioner of Corrections to appoint one additional deputy commissioner and to provide further for the compensation of all deputy commissioners.

Yeas 19; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Edwards, Ellis, Fine, Foshee, Jones, King, Little, McDonald (A), McMillan, Mims, Noonan, Roberts, St. John, Shelby, Stewart, Teague, Vacca.

—19

*Nays:*

—0

#### FURTHER CONSIDERATION OF H. B. 245

The Senate proceeded to further consideration of the Bill, H. B. 245.

The question was on the substitute offered by Mr. Owen.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 170. To make further appropriations of State Funds for the fiscal year ending September 30, 1978.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 1101. Relating to Morgan County; levying in certain areas of such county a special county privilege license tax, paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3, and 40-23-4 of Code of Alabama 1975, as amended; providing for the collection, distribution and use of proceeds of such tax; providing for the enforcement of this act by the State Department of Revenue; prescribing penalties and fixing punishment for violation of this act.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the

reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

#### FURTHER CONSIDERATION OF H. B. 245

The Senate proceeded to further consideration of the Bill, H. B. 245.

The question was on the substitute offered by Mr. Owen.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I am transmitting herewith a Message from the Governor concerning Senate Bill Number 591.

Respectfully submitted,

HENRY B. STEAGALL,  
Executive Secretary.

Done this 24th day of April, 1978.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

At the request of the sponsor, I am returning to you, the Body in which it originated, Senate Bill Number 591 without my signature and approval.

Respectfully,

GEORGE C. WALLACE,  
Governor.

#### GOVERNOR'S MESSAGE

On motion of Mr. Owen, the Senate sustained the veto of His Excellency, the Governor, of the Bill:

S. 591. To alter or rearrange the boundary lines of the City of Satsuma, Mobile County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, McDonald (S), McMillan, Mims, Noonan, Owen, Perloff, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0



## REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

## H. J. R. 638. ENCOURAGING EMPLOYMENT OF BLACKS.

On motion of Mr. Clemon, said Resolution was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 308. To provide for the qualifications and selection of jurors; to provide for a master list, master jury box and trial court box; to provide for qualification forms and the questionnaires to be used thereon; and to repeal Sections 12-16-2, 12-16-4, 12-16-37, 12-16-39, 12-16-41, 12-16-42, and 12-16-43 of the Code of Alabama 1975.

Said Governor's Message being in words and figures as follows, to-wit:

## MESSAGE FROM THE GOVERNOR

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 308, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

HENRY B. STEAGALL,  
Executive Secretary.

Done this 24th day of April, 1978.

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 308 without my signature and approval and with the following suggested Executive Amendments.

It is suggested that you amend House Bill Number 308 by deleting on Page 1 in the Title thereof the Code Section reference 12-16-37, and inserting in lieu thereof the numbers 12-16-5.

It is also suggested that the words appearing in Section 3(a) on Page 2 reading as follows:

"The list shall include all registered voters, utility customers, persons listing property for ad valorem taxation, persons holding drivers licenses and registering motor vehicles, and other lists which will include persons whose listing will foster the policy and protect the rights provided in Section 1 and 2 hereof."

be deleted and the following sentence be substituted in lieu thereof:

"This list may include all registered voters, persons holding drivers licenses and registering motor vehicles, and may include other lists, such as lists of utility customers and persons listing property for ad valorem taxation, which will include persons whose listing will foster the policy and protect the rights provided in Section 1 and 2 hereof."

It is my further suggestion that Section 7 on page 6 be amended by adding, after the word "disqualified" the following language:

"from which grand juries and petit juries are drawn as provided by law."

It is further suggested that Section 9(b) on page 7 be amended by deleting the word "shall" after the word "person", and before the word "reappear" and inserting in lieu thereof the words "may be directed to."

Further, it is suggested that Section 11 on Page 7 be amended by deleting the figures 12-16-37, and substituting in lieu thereof 12-16-5.

I suggest further that Section 5 (b) on page 4 be amended by deleting the following language:

"Multiple forms shall be prepared, and new forms shall be added at least every two years. The particular form mailed to the prospective juror shall be drawn at random in order that the answers on the forms will test the ability of the juror to follow judicial instructions and not mere rote memory."

The adoption of the above and foregoing suggested Executive Amendments will remove my objections to this Bill.

Respectfully,

GEORGE C. WALLACE,  
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor to the Bill, H. B. 308, by a vote of a majority of the whole number elected to the House, said votes being: Yeas 72, Nays 1.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 72, Nays 1.

And said Bill, H. 308, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. St. John, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 308, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Ellis, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—26

*Nays:*

—0

which was a majority of the whole number elected to the Senate.

## FURTHER CONSIDERATION OF H. B. 245

The Senate proceeded to further consideration of the Bill, H. B. 245.

The question was on the substitute offered by Mr. Owen.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 35. To revise and amend certain provisions of Title 12 and Title 15, Code of Alabama, 1975, relating to the implementation of the Judicial Article of the Alabama Constitution (Amendment 328 approved December 13, 1973) by providing that the cost and expenses of juries kept together without separation, the cost and expenses of jury commissions, and the expense allowance paid to the regular jurors, grand jurors and petit jurors be paid by the state rather than by the counties of the state; by providing for the number of bailiffs and that the compensation thereof be established by the administrative director of courts and by deleting the provisions that bailiffs be paid by the county; by providing for the disposition of bail forfeitures; by providing for local purchasing procedures for the offices of circuit judges, district judges, circuit clerks, district clerks, registers, court administrators, official court reporters, magistrates, and jury commissions, in order to facilitate the prompt purchase and delivery of clerical office supplies for such court offices; and to make a supplemental appropriation to the United Judicial System for the operation thereof for the fiscal year October 1, 1977, through September 30, 1978. The Code sections amended herein are § 12-16-10, § 12-16-24, § 12-16-37, § 12-17-311, § 12-19-210, § 15-13-80 and § 15-13-81 Code of Alabama 1975. Article 1, Chapter 19, Title 12, Code of Alabama 1975, is amended by adding § 12-19-10 thereto.

Also:

S. 107. Relating to presidential preference primary elections; to provide for the time and manner of holding such elections; to provide for qualifying petitions and fees and the method of allotting and naming delegates; to make the provisions hereof apply to vice presidential candidates at the election of the party; to prescribe the duties of the secretary of state, party officials and candidates with respect to the primary; to amend Code of Alabama 1975, Section 17-16-6; and to repeal conflicting laws.

Also:

S. 203. To provide safeguards for federal tax return information used in the administration of Alabama revenue laws and to provide penalties for the misuse of such information.

Also:

S. 248. To amend Section 16-31-4 Code of Alabama 1975 which provided for a supplemental appropriation of \$100.00 from the Special Educational Trust Fund for each American Legion and American Legion Auxiliary scholarship awarded pursuant to Chapter 31, Title 16, Code of Alabama 1975 so as to extend the number of such scholarships.

Also:

S. 371. To amend Section 39-2-12, Code of Alabama 1975, as amended, relating to payments to contractors on public works contracts so as to provide for an alternate escrow procedure for amounts withheld as retainage under such contracts, and to provide for the conditions under which such an escrow procedure may be utilized.

Also:

S. 407. Relating to genetics service in public health, so as to provide additional appropriations for the University of Alabama in Birmingham Medical Genetics Center and the University of South Alabama to expand their programs to provide diagnostic facilities, genetic counseling and prenatal testing for genetic disorders in order to encourage prevention of birth defects and mental retardation; and appropriating an additional appropriation for the University of Alabama at Tuscaloosa for the development of resident and medical student training in prenatal medicine at the College of Community Health Services; providing that the said supplemental appropriations shall be made from the special educational trust fund to implement the provisions of this act.

Also:

S. 496. Relating to Native Americans; creating the Southwest Alabama Indian Affairs Commission; providing for its duties and membership; prescribing the method of appointment and compensation of the members of said commission; providing for an appropriation for such commission from the state general fund, and repealing all laws or parts of laws conflicting with this act, specifically repealing Act No. 533, S. 499, 1976 Regular Session (Acts of 1976, p. 684).

Also:

S. 558. To provide that any person who knowingly sends or causes to be sent, brings or causes to be brought, into this State for sale or distribution, any obscene work, or within this State, manufacturers, prints, publishes,

sells, distributes, or possesses with intent to sell or distribute, or displays publicly any obscene work, or who knowingly exhibits any obscene performance for monetary consideration shall be guilty of a misdemeanor and shall be punished as provided herein, to provide exemptions from prosecution under this Act, to provide for the extradition of persons charged with violations of this Act, to provide procedures for the issuance of search warrants for the seizure of allegedly obscene works, to provide procedures which comply with constitutional requirements for adversary hearing prior to trial on the question of the obscenity of works seized and to provide copies of works seized, to provide penalties for violation of Sections 2 or 3 of this Act, to provide for the forfeiture of works used in any violation of Sections 2 or 3 of this Act, to repeal Sections 6301, 6305, 6310, 6320, and 6322 of Act No. 607, Acts of Alabama, 1977 Regular Session, to provide for the severability of the parts of this Act, to provide an effective date, and to provide definitions for the provisions of this Act.

Also:

S. 601. To provide salary increases for certain state employees, and to appropriate funds therefor.

Also:

S. 738. Relating to Jackson County, Alabama, to provide for the budgeting for the number, classification, and compensation of employees of the office of Sheriff of such county, and the manner of payment therefor; to provide for motor vehicles for said office and maintenance thereof; to provide for the payment of operational cost of the Sheriff's Office; and repealing conflicting laws.

U. W. CLEMON,  
Chairman.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

### FURTHER CONSIDERATION OF H. B. 245

The Senate proceeded to further consideration of the Bill, H. B. 245.

The question was on the substitute offered by Mr. Owen.

Mr. Goodwin offered the following amendment to the substitute for the Bill, H. B. 245, to-wit:

### AMENDMENT TO SUBSTITUTE FOR H. B. 245

Amend Owen Substitute to H. B. 245 on Page 29, Line 9, by inserting "(1) ASETF \$30,000" and further amend on Line 12,

"Total Sports Hall of Fame " . . . . . ASETF column \$51,894 under appropriations total column.

Which was adopted.

Mr. Waldrop offered the following amendment to the substitute, as amended, for the Bill, H. B. 245, to-wit:

WALDROP AMENDMENT TO OWEN SUBSTITUTE,  
AS AMENDED, FOR H. B. 245

Amend Section 7, page 76, Line 10, by inserting after the figure "2,000,000" and before the word "Section 8" the following:

|   |                    |
|---|--------------------|
| Cherokee County Board of Education                                | For Capital Outlay |
| at Cedar Bluff .....  | 300,000            |
| Attalla City Board of Education .....                             | 300,000            |
| For Capital Outlay  |                    |
| Gadsden State Jr. College .....                                   | 1,000,000          |
| (Capital Outlay for the Cooperative<br>Upper Division University) |                    |

Which was lost.

Mr. Adams offered the following amendment to the substitute, as amended, for the Bill, H. B. 245, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR H. B. 245

Amend Owen substitute for House Bill No. 245 Page 76 Line 3, by inserting George C. Wallace Community College—Technical Branch-Dothan Capital Outlay purposes—\$1,000,000

Which was lost.

Yeas 13; Nays 16.

*Yeas:*

Messrs. Adams, Bank, Foshee, King, McMillan, Mims, Mitchell, Noonan, Perloff, Perry, Proctor, Teague, Vacca.

—13

*Nays:*

Messrs. Baker, Edwards, Ellis, Fine, Gilmore, Higginbotham, Jones, Little, McDonald (A), Owen, Pearson, Powell, St. John, Shelby, Waldrop, Wilson.

—16

Mr. Powell offered the following amendment to the substitute, as amended, for the Bill, H. B. 245, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR H. B. 245

Amend substitute, as amended, for House Bill 245, page 75, by adding on Line 16 the following:

Elmore County Board of Education for Capital Outlay purposes—\$1,000

Tallassee Board of Education for Capital Outlay purposes—\$1,000

Montgomery County Board of Education for Capital Outlay purposes—\$1,000

Mr. Adams moved that said amendment be laid on the table, which motion was lost.

Yeas 12; Nays 15.

*Yeas:*

Messrs. Adams, Fine, Goodwin, Jones, McDonald (A), McDonald (S), Noonan, Owen, Peden, Perloff, Perry, Waldrop.

—12

*Nays:*

Messrs. Baker, Bank, Edwards, Ellis, Foshee, Gilmore, King, Little, McMillan, Mims, Powell, Proctor, Shelby, Stewart, Teague.

—15

The question was then on the amendment offered by Mr. Powell, and said amendment was then lost.

Mr. Adams offered the following amendment to the substitute, as amended, for the Bill, H. B. 245, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR H. B. 245

Amend Owen Substitute, as amended, for House Bill No. 245, Page 76 Line 32, by inserting George C. Wallace Community College—Technical Branch, Dothan . . . \$1,000,000, conditional upon the condition of the Alabama Special Educational Trust Fund and the approval of the Governor.

Which was adopted.

Mr. McDonald (A) offered the following amendment to the substitute, as amended, for the Bill, H. B. 245, to-wit:

AMENDMENT TO OWEN SUBSTITUTE, AS AMENDED  
FOR HOUSE BILL 245

Amend Owen Substitute as amended, for House Bill 245, page 76, line 10, by inserting after the figures 2,000,000 the following in Section 7:

"For city and county boards of education for repair or replacing burned school buildings or buildings which have been damaged or destroyed by natural disasters or schools with critical needs.

| BOARDS OF EDUCATION | SCHOOL              |         |
|---------------------|---------------------|---------|
| Gadsden City        | General Forest      | 275,000 |
| Hartselle City      | Morgan Co. Training | 290,000 |
| Lamar County        | Vernon Vocational   | 15,000  |
| Lawrence County     | Chalybeate          | 240,000 |

|                  |                  |         |
|------------------|------------------|---------|
| Madison County   | New Market       | 125,000 |
| Marshall County  | Boaz Middle      | 315,000 |
| Shelby County    | Montevallo High  | 125,000 |
| Cullman County   | Baileyton        | 100,000 |
| Tuscumbia City   | Deshler Jr. High | 100,000 |
| Jefferson County | McAdory          | 275,000 |
| Mobile County    | Prichard Middle  | 315,000 |
| Shelby County    | Vincent High     | 100,000 |
| Randolph County  | Folsom Jr. High  | 300,000 |

Further amend Owen Substitute as amended, for House Bill 245 by deleting lines 2 through 20, Section 8, page 77."

Which was adopted.

Yeas 25; Nays 5.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Peden, Proctor, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop.

—25

*Nays:* Messrs. Jones, Mitchell, Owen, Teague, Wilson.

—5

Mr. Mims offered the following amendment to the substitute, as amended, for the Bill, H. B. 245, to-wit:

AMENDMENT TO OWEN SUBSTITUTE, AS AMENDED,  
FOR H. B. 245

Amend Owen Substitute, as amended, for House Bill 245 in Section 7 on page 76 by inserting after line 10 the following:

"Conecuh County Area Vocational School                      \$270,000"

Which was adopted.

Mr. Mims then offered the following amendment to the substitute, as amended, for the Bill, H. B. 245, to-wit:

AMENDMENT TO OWEN SUBSTITUTE, AS AMENDED,  
FOR H. B. 245

Amend Owen Substitute, as amended, for House Bill 245 in Section 7 on page 76 by inserting after line 10 the following:

"Patrick Henry State Junior College                      \$200,000"

Which was adopted.

Mr. Teague offered the following amendment to the substitute, as amended, for the Bill, H. B. 245, to-wit:



AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR H. B. 245

Amend Owen Substitute, as amended, for House Bill 245 by striking the figures on Page 28-A and inserting in lieu thereof:

Line 22, strike one thousand five hundred seven dollars, (\$1,507) and insert one thousand four hundred fifty four dollars, (\$1,454).

Line 24, strike after the word hundred, the word "sixty" (\$1,660) and insert in lieu thereof the word "two" (\$1,602)

Lines 25 and 26 strike one thousand eight hundred thirteen dollars (\$1,813) and insert one thousand seven hundred fifty dollars (\$1,750)

Line 27, strike nine hundred sixty-seven (\$1,967) and insert eight hundred ninety-eight (\$1,898)

Lines 28 and 29 strike two thousand one hundred twenty dollars (\$2,120) and insert two thousand forty six dollars (\$2,046).

Which was adopted.

Mr. Powell offered the following amendment to the substitute, as amended, for the Bill, H. B. 245, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR H. B. 245

Amend Owen substitute, as amended, for House Bill 245 on page 75 in Section 7 by inserting immediately following line 28 the following:

Auburn University at Montgomery:

|  |             |
|--|-------------|
| For Capital Outlay and Ground Improvement Purposes including entrances to the campus . . . | \$4,000,000 |
|--|-------------|

On motion of Mr. Owen, said amendment was laid on the table.

Mr. Little offered the following amendment to the substitute, as amended, for the Bill, H. B. 245, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR H. B. 245

Amend Owen Substitute, as amended, for H. B. 245 Page 76 by adding to Section 8 the following:

|   |         |
|---|---------|
| Alexander City State Jr. College<br>For Capital outlay purposes . . . . . | 258,500 |
|---|---------|

Which was adopted.

Mr. Waldrop offered the following amendment to the substitute, as amended, for the Bill, H. B. 245, to-wit:

AMENDMENT TO OWEN SUBSTITUTE,  
AS AMENDED, FOR H. B. 245

Amend Section 8, page 76, Line 35 after the figures "225,000" and before the word "the" on page 77 the following:

|   |           |
|---|-----------|
| Cherokee County Board of Education at Cedar Bluff (For Capital Outlay) .....                  | 300,000   |
| Attalla City Board of Education (For Capital Outlay) .....                                    | 300,000   |
| Gadsden State Jr. College (Capital Outlay for the Cooperative Upper Division University) .... | 1,000,000 |

Which was adopted.

Mr. Foshee offered the following amendment to the substitute, as amended, for the Bill, H. B. 245, to-wit:

AMENDMENT TO OWEN SUBSTITUTE,  
AS AMENDED, FOR H. B. 245

Amend Owen Substitute, as amended, for House Bill 245, page 75, by adding on line 16 the following:

|   |         |
|---|---------|
| "Geneva County Board of Education—Slocumb High School (For Capital Outlay purposes) ..... | 200,000 |
| Opp-City Board of Education (For Capital Outlay purposes) .....                           | 200,000 |

Which was adopted.

Mr. Wilson offered the following amendment to the substitute, as amended, for the Bill, H. B. 245, to-wit:

AMENDMENT TO OWEN SUBSTITUTE,  
AS AMENDED, FOR H. B. 245

Amend Owen substitute, as amended, for H. B. 245 by deleting Section 11., on page 71 in its entirety.

Which was adopted.

Yeas 19; Nays 13.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (S), McMillan, Mims, Noonan, Pearson, Perry, Roberts, Vacca, Wilson.

—19

*Nays:*

Messrs. Baker, Clemon, Fine, Foshee, McDonald (A), Mitchell, Owen, Peden, Powell, Proctor, Shelby, Teague, Waldrop.

—13

Mr. Edwards offered the following amendment to the substitute, as amended, for the Bill, H. B. 245, to-wit:

## AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR H. B. 245

Amend Owen substitute, as amended, for House Bill No. 245 Page 15A Line 5, by striking out the words and figures:

"three hundred thousand dollars (\$300,000)" and inserting in lieu thereof the following:

"two hundred thousand dollars (\$200,000)"

On motion of Mr. Fine, said amendment was laid on the table.

Yeas 20; Nays 14.

*Yeas:*

Messrs. Adams, Baker, Bank, Fine, Foshee, Goodwin, Higginbotham, Jones, Little, Mims, Mitchell, Owen, Peden, Perry, Powell, Proctor, St. John, Shelby, Teague, Wilson.

—20

*Nays:*

Clemon, Edwards, Ellis, Gilmore, King, McDonald (A), McDonald (S), McMillan, Noonan, Perloff, Roberts, Stewart, Vacca, Waldrop.

—14

Mr. Teague offered the following amendment to the substitute, as amended, for the Bill, H. B. 245, to-wit:

AMENDMENT TO OWEN SUBSTITUTE,  
AS AMENDED, FOR H. B. 245

Amend Owen Substitute, as amended, for H. B. 245 page 20 by striking the words beginning on line 5 "Each local board of education shall submit a proposal to the State Superintendent of Education for the use of funds allocated to its system which must be approved by the State Superintendent of Education before such funds are disbursed." and inserting in lieu thereof the following:

"Said formula may provide for 5 percent of the funds available to be used for programs in post secondary education. Each local board of education and institution shall submit a proposal to the State Superintendent of Education for the use of funds allocated to its system or institution which must be approved by the State Superintendent of Education before such funds are disbursed."

Which was adopted.

Mr. Noonan offered the following amendment to the substitute, as amended, for the Bill, H. B. 245, to-wit:

AMENDMENT TO OWEN SUBSTITUTE,  
AS AMENDED, FOR H. B. 245

Amend Owen Substitute, as amended, for H. B. 245, page 31 by deleting lines 11-34 and adding in lieu thereof the following:

## 32. Youth Services

|                                      |           |
|--------------------------------------|-----------|
| (a) Youth Services Program . . . . . | 9,563,604 |
|--------------------------------------|-----------|

## Source of Funds:

|                                       |           |                  |           |
|---------------------------------------|-----------|------------------|-----------|
| (a) ASETF . . . . .                   | 7,878,604 |                  |           |
| (2) Federal and Local Funds . . . . . |           | <u>1,685,000</u> |           |
| Total Youth Services . . . . .        | 7,878,604 | 1,685,000        | 9,563,604 |

Of the funds appropriated above, the following salary increases shall be granted to certified educators in addition to salary now received and all salary increments due. Educators holding Rank "AA" (masters & 30) certificates not less than one thousand eight hundred thirteen dollars (\$1,813) per annum; Rank I (Masters) educators not less than one thousand six hundred sixty dollars (\$1,660) per annum; Rank II (Bachelors) educators not less than one thousand five hundred seven dollars (\$1,507) per annum. These increases are for educators with twelve-month contracts. Pro rata salary increases shall be granted for educators whose contracts extend over nine, ten, or eleven months. These increases shall be paid all certified educators at DYS instead of those provided under House Bill 171.

(To be expended in accordance with Act No. 816, 1973 Reg. Ses. Of the above appropriation, Fifteen Thousand Dollars (\$15,000) shall be spent for the construction of a chapel on the campus on Mount Meigs. Provided however that of the above amount appropriated from the ASETF, the amount of \$125,000 shall be expended for capital outlay purposes at a licensed non-profit residential foster boarding house in Madison County, provided that such facility has existed for at least twenty (20) years.)

Which was adopted.

Yeas 22; Nays 3.

*Yeas:*

Messrs. Bank, Ellis, Fine, Foshee, Goodwin, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Pearson, Peden, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca.

—22

*Nays:*

Messrs. Gilmore, Higginbotham, Proctor.

—3

Mr. Ellis offered the following amendment to the substitute, as amended, for the Bill, H. B. 245, to-wit:

AMENDMENT TO OWEN SUBSTITUTE,  
AS AMENDED, FOR H. B. 245

Amend Owen Substitute, as amended, for House Bill 245 by striking the word, total, on Page 15-A, Line 9 and inserting in lieu thereof the word, weighted.

Which was adopted.

Mr. Ellis then offered the following amendment to the substitute, as amended, for the Bill, H. B. 245, to-wit:

AMENDMENT TO OWEN SUBSTITUTE,  
AS AMENDED, FOR H. B. 245

In Section 3, A, 23, on page 28A, line 28-1/2, include the following sentence:

Provided further that there shall be no salary distinction between related instructors and shop instructors; and related instructors employed before 1977 who have earned a college degree or higher shall accumulate points for a higher ranking in the same manner and number as shop instructors.

Which was adopted.

Mr. McDonald (S) offered the following amendment to the substitute, as amended, for the Bill, H. B. 245, to-wit:

AMENDMENT TO OWEN SUBSTITUTE,  
AS AMENDED, FOR H. B. 245

Amend Owen substitute, as amended, for House Bill No. 245 by omitting on Page 28-B Lines 5 through 21.

Which was adopted.

Yeas 20; Nays 12.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Noonan, Perloff, Proctor, Roberts, St. John, Stewart, Vacca, Wilson.

—20

*Nays:*

Messrs. Adams, Bank, Fine, Foshee, Jones, Mims, Mitchell, Owen, Peden, Powell, Shelby, Teague.

—12

Mr. McDonald (S) then offered the following amendment to the substitute, as amended, for the Bill, H. B. 245, to-wit:

AMENDMENT TO OWEN SUBSTITUTE,  
AS AMENDED, FOR H. B. 245

Amend Section 5 by deleting on page 33 beginning with line 29-38 and on page 34 lines 5 and 6.

Which was lost.

Yeas 15; Nays 16.

*Yeas:*

Messrs. Adams, Bank, Edwards, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), McMillan, Noonan, Roberts, St. John, Vacca, Wilson.

—15

*Nays:*

Messrs. Baker, Clemon, Ellis, Fine, Foshee, King, Mims, Mitchell, Owen, Peden, Powell, Proctor, Shelby, Stewart, Teague, Waldrop.

—16

Mr. McDonald (S) then offered the following amendment to the substitute, as amended, for the Bill, H. B. 245, to-wit:

AMENDMENT TO OWEN SUBSTITUTE,  
AS AMENDED, FOR H. B. 245

Amend Owen Substitute, as amended, for House Bill No. 245 Page 21 Line 6, by inserting a period after the word "materials" and striking the remaining word on line 6. And striking line 7 through 13, and inserting therefor the following:

"The Superintendent shall review such budget and approve or modify same, and take necessary actions to implement expenditures thereunder."

Which was lost.

Mr. King offered the following amendment to the substitute, as amended, for the Bill, H. B. 245, to-wit:

AMENDMENT TO OWEN SUBSTITUTE,  
AS AMENDED, FOR H. B. 245

Amend Owen substitute, as amended, for H. B. 245 by striking subsection 4 in section 5, I, C on page 48 in its entirety and inserting in lieu thereof the following"

"4. Johnson Environmental & Energy Center:

|  |         |
|--|---------|
| (a) Research .....                                       | 538,626 |
| (b) Public Service .....                                 | 201,730 |
| (c) Institutional Support .....                          | 23,454  |
| (d) Operation and Maintenance of<br>Physical Plant ..... | 44,007  |
| (e) Equipment Purchases .....                            | 27,282  |

SOURCE OF FUNDS:

|  |         |              |         |
|--|---------|--------------|---------|
| (1) ASETF .....  | 469,191 |              |         |
| (2) State Funds .....                                      |         | 58,911       |         |
| (3) Federal Funds .....                                    |         | 305,168      |         |
| (4) Other Sources .....                                    |         | <u>1,829</u> |         |
| Total Center for Environmental<br>and Energy Studies ..... | 469,191 | 365,908      | 835,099 |

Further amend Owen substitute, as amended, for H. B. 245 by striking in Section 5, I, C lines 6-17 on page 50 in their entirety and inserting in lieu thereof the following:

"8. Alabama Solar Energy Center:

|  |         |
|--|---------|
| (a) Research .....                                     | 136,947 |
| (b) Public Service .....                               | 136,947 |
| (c) Institutional Support .....                        | 10,226  |
| (d) Operation & Maintenance of<br>Physical Plant ..... | 19,188  |
| (e) Equipment Purchases .....                          | 14,349  |

## SOURCE OF FUNDS:

|  |            |                      |
|--|------------|----------------------|
| (1) ASETF .....                                      | 317,657    |                      |
| Total Solar Energy Center .....                      | 317,657    | 317,657              |
| TOTAL UNIVERSITY OF ALA-<br>BAMA IN HUNTSVILLE ..... | 10,701,973 | 7,880,487 18,582,460 |

Which was adopted.

Mr. Vacca offered the following amendment to the substitute, as amended, for the Bill, H. B. 245, to-wit:

AMENDMENT TO OWEN SUBSTITUTE,  
AS AMENDED, FOR H. B. 245

Amend the Owen Substitute, as amended, for House Bill No. 245 Page 61 Line 9, by striking out the number \$3,199,975 and inserting in lieu thereof the number 3,399,975; amend further on line 22 by striking the number 5,175,198 and insert in lieu thereof the number 5,375,198; further amend page 61 on line 26 by striking the number 5,175,198 and inserting in lieu thereof the number 5,375,198; and, further amend line 26 by striking the number 9,058,195 and inserting in lieu thereof the number 9,258,195.

Further amend the Owen substitute, as amended, for H. B. 245 on page 62, line 19 by striking the number 5,568,554 and inserting in lieu thereof the number 5,768,554; also amend line 19 by striking the number 9,530,233 and inserting in lieu thereof the number 9,730,233.

Which was adopted.

Mr. King then offered the following amendment to the substitute, as amended, for the Bill, H. B. 245, to-wit:

AMENDMENT TO OWEN SUBSTITUTE,  
AS AMENDED, FOR H. B. 245

Amend Owen substitute, as amended, for H. B. 245, Page 18, Line 17 by striking out the figure 25,550,000 and inserting in lieu thereof the figure 30,550,000

and

Page 20, line 21, by striking the first sentence in its entirety.

On motion of Mr. Owen, said amendment was laid on the table.

Mr. Mims offered the following amendment to the substitute, as amended, for the Bill, H. B. 245, to-wit:

AMENDMENT TO OWEN SUBSTITUTE,  
AS AMENDED, FOR H. B. 245

Amend Owen substitute, as amended, for House Bill No. 245, Page 76, Line 32, by inserting for the Junior College Systems to be expended in accordance with Act No. 2288 of the 1971 Regular Sessions, ASETF \$47,000,000

Which was adopted.

Mr. Little offered the following amendment to the substitute, as amended, for the Bill, H. B. 245, to-wit:

AMENDMENT TO OWEN SUBSTITUTE,  
AS AMENDED, FOR H. B. 245

Amend said bill as follows:

After Section 10, insert the following as Section 11 and properly re-number the subsequent sections.

Section 11. All employees receiving their pay from funds appropriated under the provisions of this act, whether said employees are directly involved in education or are education support personnel shall receive a minimum cost of living salary increase of 5 1/2%. Said employees may be employed at any level within the education system, but shall have been employed in said position a minimum of nine months prior to the effective date of this act. If the provisions of this act contain in either specific or general terms a provision that will grant said employees a greater percentage salary increase, they shall receive the larger amount, but in no event shall said employees receive less than a 5 1/2% cost of living salary increase.

Which was lost.

Mr. Peden offered the following amendment to the substitute, as amended, for the Bill, H. B. 245, to-wit:

AMENDMENT TO OWEN SUBSTITUTE,  
AS AMENDED, FOR H. B. 245

Amendment to the Owen Substitute, as amended, for House Bill 245, page 28b, line 29, add the following language:

100,000 for Muscle Shoals Technical Institute.

Which was adopted.

Mr. Roberts offered the following amendment to the substitute, as amended, for the Bill, H. B. 245, to-wit:

AMENDMENT TO OWEN SUBSTITUTE,  
AS AMENDED, FOR H. B. 245

Amend Owen Substitute, as amended, for House Bill 245 on page 65, line 35 by inserting the following:

"In addition to the above appropriation there is hereby appropriated \$1,000,000 for capital outlay purposes at the College of Medicine which shall



be conditional upon the condition of the Alabama Special Education Trust Fund and upon the approval of the Governor.”

Which was lost.

Mr. Little moved that the Senate reconsider the vote by which his second amendment to the substitute, as amended, for the Bill, H. B. 245, was lost and the motion to reconsider was lost.

Mr. Little then offered the following amendment to the substitute, as amended, for the Bill, H. B. 245, to-wit:

AMENDMENT TO OWEN SUBSTITUTE,  
AS AMENDED, FOR H. B. 245

Amend H. B. 245 as follows:

In Section 3A(13) on page 15-B on line 23 insert the following new paragraph:

The support personnel of junior colleges shall be entitled to the same percentage increase as given to the faculty and administration of said schools.

In Section 3A(23) on page 28B on line 11 insert the following new paragraph:

The support personnel of post secondary vocational-technical school shall be entitled to the same percentage increase as given to the faculty and administration of said schools.

Which was adopted.

Mr. McMillan offered the following amendment to the substitute, as amended, for the Bill, H. B. 245, to-wit:

AMENDMENT TO OWEN SUBSTITUTE,  
AS AMENDED, FOR H. B. 245

To amend the 1979 Special Education Trust Fund Budget to provide an additional \$670,000 to the University of Alabama in Birmingham, for the procurement, construction and equipping of a laboratory for training public health laboratory personnel.

Amend Owen Substitute, as amended, for H. B. 245 as follows:

On page 41, line 9, add a new paragraph (k) under Section 6, as follows:

|                             |           |
|-----------------------------|-----------|
| Laboratory (Capital Outlay) | \$670,000 |
|-----------------------------|-----------|

Further amending Owen Substitute, as amended, for H. B. 245, page 41, line 10, paragraph (1) by striking \$1,838,473, and inserting in lieu thereof the following: \$2,508,473.

Further amending Owen substitute, as amended, for H. B. 245, page 41, line 14, by striking \$1,838,473, and inserting in lieu thereof \$2,508,473, and striking \$3,306,994 and inserting in lieu thereof \$3,976,994.

Which was adopted.

Mr. McMillan then offered the following amendment to the substitute, as amended, for the Bill, H. B. 245, to-wit:

AMENDMENT TO OWEN SUBSTITUTE,  
AS AMENDED, FOR H. B. 245

Amend the Owen Substitute, as amended, for H. B. 245 by adding in Section 7, page 75, after line 35 the following words and figures:

"University of Alabama in Birmingham:

For Capital Outlay Purposes—For Mental Retardation and Developmental Disability—350,000

Which was adopted.

Mr. Gilmore offered the following amendment to the substitute, as amended, for the Bill, H. B. 245, to-wit:

AMENDMENT TO OWEN SUBSTITUTE,  
AS AMENDED, FOR H. B. 245

Amend Owen Substitute, as amended, for House Bill 245 in Section 7 on page 76 by inserting after line 10 the following:

"Tannehill Furnace and Foundry  
Commission

For Tannehill Learning Center . . . \$97,000"

Which was adopted.

Mr. Bank offered the following amendment to the substitute, as amended, for the Bill, H. B. 245, to-wit:

AMENDMENT TO OWEN SUBSTITUTE,  
AS AMENDED, FOR H. B. 245

Amend Owen Substitute, as amended, for House Bill No. 245 Page 76 after Line 10, by inserting the following:

"Livingston University

For Capital Outlay . . . . . \$250,000"

Which was adopted.

And said substitute, as thus amended, for the Bill, H. B. 245, was then adopted by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—27

Nays:

—0

And said Bill, H. B. 245, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 2.

*Yeas:*

Messrs. Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, McMillan, Mims, Mitchell, Noonan, Owen, Peden, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:* Messrs. McDonald (S), Perry.

—2

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 625. DESIGNATING THE AUDITORIUM AT JEFFERSON DAVIS JUNIOR COLLEGE AT BREWTON, ALABAMA, THE "WOODFIN-PATTERSON AUDITORIUM."

Also:

H. J. R. 570. HONORING AUBREY H. FLEMING UPON HIS RETIREMENT AS MANAGER OF THE STATE COLISEUM IN MONTGOMERY.

Also:

H. J. R. 560. COMMENDING AUSTIN HIGH SCHOOL'S TEAM, NUMBER ONE IN THE NATION FOR THE FIFTH CONSECUTIVE YEAR.

Also:

H. J. R. 557. NOTING WITH COMMENDATION THE DEDICATION OF THE NEW BAPTIST STUDENT CENTER AT THE UNIVERSITY OF MONTEVALLO.

Also:

H. J. R. 529. COMMENDING THE VINCENT STUDY CLUB, VINCENT, ALABAMA.

Also:

H. J. R. 109. MOURNING THE DEATH OF NEAL ANDERSON COLLINS OF MOBILE, ALABAMA.

Also:

H. J. R. 626. DESIGNATING THE MUSEUM AT THE JEFFERSON DAVIS STATE JUNIOR COLLEGE IN BREWTON THE "THOMAS E. McMILLAN MUSEUM."

Also:

H. J. R. 630. Requesting the Capitol Building cafeteria to remain open when the Legislature convenes.

Also:

H. J. R. 396. CONGRATULATING ANDREW G. HILDRETH ON HIS PROMOTION TO CHIEF OF POLICE, PRICHARD, ALABAMA.

Also:

H. J. R. 394. MOURNING THE DEATH OF MR. CLARENCE ELBERT MOSES OF MOBILE, ALABAMA.

Also:

H. J. R. 395. MOURNING THE DEATH OF DR. MAYNARD VIVIAN FOSTER, PROMINENT PHYSICIAN.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 741. To amend Sections 14-1-4 and 14-1-6 of the Code of Alabama 1975, so as to allow the commissioner of corrections to appoint one additional deputy commissioner; to provide that the commissioner, deputy commissioners and all other appointed personnel shall serve at the pleasure of the board of corrections; and to provide further for the compensation of all deputy commissioners.

And said bill as thus amended by the report of the Committee on Conference was again read at length and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

## REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate without recommendation, to-wit:

Appointment of Mr. Alto V. Lee, III, to the State Ethics Commission.

Mr. Clemon moved that the Senate reject the appointment of Mr. Lee as a member of the State Ethics Commission.

Mr. Mitchell offered a substitute motion that the Senate confirm the appointment of Mr. Lee, which motion was lost.

Yeas 12; Nays 14.

*Yeas:*

Messrs. Adams, Bank, Foshee, Goodwin, King, Little, McDonald (S), McMillan, Mitchell, Noonan, Shelby, Vacca.

—12

*Nays:*

Messrs. Clemon, Ellis, Fine, Gilmore, Higginbotham, McDonald (A), Mims, Owen, Pearson, Perloff, Proctor, St. John, Teague, Wilson.

—14

The question recurred on the motion of Mr. Clemon that the Senate reject the appointment of Mr. Lee, and said motion was adopted.

Yeas 16; Nays 14.

*Yeas:*

Messrs. Baker, Clemon, Ellis, Fine, Gilmore, Higginbotham, McDonald (A), Mims, Owen, Pearson, Peden, Perloff, Proctor, St. John, Teague, Wilson.

—16

*Nays:*

Messrs. Adams, Bank, Foshee, Goodwin, King, Little, McDonald (S), McMillan, Mitchell, Noonan, Perry, Shelby, Vacca, Waldrop.

—14

## RESOLUTION RE-REFERRED

Mr. Owen moved that the Resolution, H. J. R. 464, be removed from the Standing Committee on Finance and Taxation and re-referred to another Committee.

And the President and Presiding Officer of the Senate ordered said Resolution, H. J. R. 464, re-referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 406. Making an appropriation for the support and sponsorship of the 1978 VICA U. S. Skill Olympics.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 3. MOURNING THE DEATH OF MAJOR HARWELL G. DAVIS.

Also:

S. J. R. 372. COMMENDING AND CONGRATULATING THE PITTMAN JUNIOR HIGH SCHOOL FOOTBALL TEAM ON THEIR CHAMPIONSHIP SEASON.

Also:

S. J. R. 374. CONGRATULATING AND HONORING MR. AND MRS. EDWARD E. CRAIG ON THEIR GOLDEN WEDDING ANNIVERSARY.

Also:

S. J. R. 376. COMMENDING THE BIRMINGHAM JUNIOR LEAGUE FOR THEIR PART IN THE SUCCESS OF THE BIRMINGHAM INTERNATIONAL INDOOR TENNIS TOURNAMENT.

Also:

S. J. R. 380. COMMENDING ANDALUSIA HIGH SCHOOL, CLASS 3-A STATE FOOTBALL CHAMPIONS.

Also:

S. J. R. 381. MOURNING THE DEATH OF FORMER ANDALUSIA CITY COUNCILMAN, SWINSON EDWARD ANDERSON.

Also:

S. J. R. 382. MOURNING THE DEATH OF MRS. N. D. FOSTER.

Also:

S. J. R. 386. VOICING OUR APPRECIATION FOR THE HONOR BESTOWED BY STUDENTS OF THE W. J. CHRISTIAN SCHOOL UPON THE ALABAMA LEGISLATURE.

Also:

S. J. R. 393. MOURNING THE DEATH OF BIRMINGHAM CITY COUNCIL PRESIDENT DON A. HAWKINS.

Also:

S. J. R. 394. CONGRATULATING MISS PRISCILLA GAINES, ALABAMA'S 1978 JUNIOR MISS.

Also:

S. J. R. 396. MOURNING THE DEATH OF MR. LUKE J. SEWELL.

Also:

S. J. R. 397. CONGRATULATING ROBERT C. COLEY, GRAND MASTER OF MASONS IN ALABAMA.

Also:

S. J. R. 401. EXPRESSING CONCERN FOR MRS. FRANCES PEDEN.

Also:

S. J. R. 413. MOURNING THE DEATH OF MRS. REBECCA MITCHELL PERLOFF.

Also:

S. J. R. 414. COMMENDING AL FOX, JR.

Also:

S. J. R. 419. COMMENDING CATHY FRANCHETTE SHEPARD OF BIRMINGHAM, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 457. COMMENDING EXPLORER SCOUT POST 309 FOR WINNING THE EXPLORER SCOUT OLYMPICS.

Also:

S. J. R. 458. EXPRESSING THE APPRECIATION OF THE LEGISLATURE TO THE MEMBERS OF THE LEGISLATIVE WIVES CLUB.

Also:

S. J. R. 459. COMMENDING GEORGE LINDSEY FOR HIS 7TH ANNUAL CELEBRITY WEEKEND.

JOHN W. PEMBERTON,  
Clerk.

## MOTION TO RECESS LOST

At 9:15 P.M., Mr. Fine moved that the Senate take a recess until 9:45 tonight, which motion was lost.

## REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

H. J. R. 464. CREATING THE JOINT LEGISLATIVE STUDY COMMITTEE ON THE ECONOMICAL IMPACT OF THE BUSINESS ENTERPRISES OF THE UNIFICATION CHURCH, AND ITS AFFILIATES, ON THE SEAFOOD, FISHING, AND RELATED INDUSTRIES OF THIS STATE.

The Standing Committee on Rules reported the following substitute for the Resolution, H. J. R. 464, to-wit:

## SUBSTITUTE FOR H. J. R. 464

H. J. R. 464. CREATING THE JOINT LEGISLATIVE STUDY COMMITTEE ON THE ECONOMICAL IMPACT OF THE BUSINESS ENTERPRISES OF THE UNIFICATION CHURCH, AND ITS AFFILIATES, ON THE SEAFOOD, FISHING, AND RELATED INDUSTRIES OF THIS STATE.

WHEREAS, the lives and livelihood of many citizens of this state are dependent on a healthy, competitive and strong fishing and seafood industry; and

WHEREAS, it is in the best interests of the health of our citizens to enforce its reasonable regulations pertaining to the seafood and fishing industry; and

WHEREAS, the economy of many areas in this state will collapse if unconscionable industry practices are permitted; and

WHEREAS, the Alabama Legislature is charged with the awesome responsibility of enacting legislation that protects the health and welfare of the citizens of this state and to correct, by legislation, those actions which are contrary to the welfare and well-being of our citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the joint legislative study committee on the impact of the business enterprises of the Unification Church, and its affiliates, on the seafood, fishing and related industries of this state. The study committee shall be composed of six members: three members from the House of Representatives and three members from the Senate, appointed by the Speaker of the House and the President of the Senate, respectively. The chairman and vice chairman shall be elected at the first meeting from among its membership.

The committee shall study all facets of the impact of the proposed entry by the Unification Church, or any of its affiliates, into the seafood and fishing market, and related industries, operating in this state. It shall have investigative powers and the members shall be authorized to travel within and without this state in gathering information and data which it deems pertinent to its study.



The study of the Unification Church and its affiliates shall include, but not be limited to, the following: 1) the impact of the Unification Church in those communities within this state and in the southeastern region of the United States which traditionally have depended upon the seafood and fishing industry, examining the community's traditional standards in the trade; 2) the consequences of employment on the citizens of this state; 3) the sources of financial contribution and percentage of the distribution of profits for bona fide charitable purposes; 4) the extent, if any, of influence-peddling and political activity to further the objectives of foreign governments and any link to foreign intelligence operations; 5) the solicitation of funds which fund raising may be aimed at the evasion of tax laws and immigration laws, whether state or federal statutes. The committee is further directed to cooperate with any branch of the federal government in its investigation of the business practices of the said Unification Church.

BE IT FURTHER RESOLVED, That the members of the committee may accept monetary contributions from private individuals and voluntary clerical assistance from any source and any city council or county commission shall be authorized to provide assistance to the committee in its investigation, study and report to the legislature. The members shall report its findings, conclusions, and recommendations to the legislature not later than the fifth legislative day of the 1979 Regular Session, whereupon the committee shall stand dissolved and discharged.

Which was adopted.

And said Resolution, H. J. R. 464, as thus amended by the substitute, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 308. To provide for the qualifications and selection of jurors; to provide for a master list, master jury box and trial court box; to provide for qualification forms and the questionnaires to be used thereon; and to repeal Sections 12-16-2, 12-16-4, 12-16-37, 12-16-5, 12-16-39, 12-16-41, 12-16-42, and 12-16-43 of the Code of Alabama 1975.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 448. COMMENDING BRANTLEY HIGH SCHOOL FOR ITS ATHLETIC AND SCHOLASTIC ENDEAVORS.

Also:

S. J. R. 449. RECOGNIZING THE IMPORTANCE OF TOMATOES AS AN AGRICULTURAL CROP AND THEIR CONTRIBUTION TO THE ECONOMY OF THE STATE OF ALABAMA.

Also:

S. J. R. 451. CONGRATULATING REPRESENTATIVE PETE TURNHAM UPON BEING SELECTED AS CHAIRMAN OF THE SOUTHERN STATES ENERGY BOARD AND APPROVING THE ATTENDANCE OF SELECTED MEMBERS OF THE ALABAMA LEGISLATURE TO THE JUNE 1978 MEETING OF THE SOUTHERN STATES ENERGY BOARD.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 395. COMMENDING THE CHARLES HENDERSON HIGH SCHOOL BAND, ALABAMA'S REPRESENTATIVE TO THE DOGWOOD ARTS FESTIVAL, KNOXVILLE, TENNESSEE.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 525. AUTHORIZING THE NAMING OF THE STUDENT HEALTH CENTER ON THE CAMPUS OF THE UNIVERSITY OF ALABAMA, THE "THOMAS D. AND JULIA W. RUSSELL HALL".

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

We herewith transmit to you a message from the Governor, Lieutenant

Governor, and Speaker of the House of Representatives relative to an appointment to the State Ethics Commission.

Respectfully submitted,  
HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 24th day of April, 1978.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

We, the Appointing Board for the State Ethics Commission, have appointed the following named person as a member of the State Ethics Commission:

Mr. Ira D. Pruitt, Jr.  
Livingston, Alabama

for the term expiring September 1, 1979.

As this appointment must be confirmed by your Body, we herewith transmit his name to you for such action as you may deem right and proper.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

JERE BEASLEY,  
Lieutenant Governor.

JOE McCORQUODALE,  
Speaker, House of Representatives.

Done this 24th day of April, 1978.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, the Lieutenant Governor and the Speaker of the House of Representatives, relative to an appointment to the State Ethics Commission, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 525. AUTHORIZING THE NAMING OF THE STUDENT HEALTH CENTER ON THE CAMPUS OF THE UNIVERSITY OF ALABAMA, the "Thomas D. and Julia W. Russell Hall."

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the

reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Alabama Educational Television Commission.

Respectfully submitted,  
HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 24th day of April, 1978.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed Johnny Ford, Tuskegee, Alabama as a member of the Alabama Educational Television Commission for the term expiring June 25, 1987, subject to your confirmation.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

Done this 24th day of April, 1978.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Educational Television Commission, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives relative to an appointment to the State Ethics Commission.

Respectfully submitted,  
HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 24th day of April, 1978.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

We, the Appointing Board for the State Ethics Commission, have appointed the following named person as a member of the State Ethics Commission:

Dr. George Bagley  
Montgomery, Alabama

For the term expiring September 1, 1982.

As this appointment must be confirmed by your Body, we herewith transmit his name to you for such action as you may deem right and proper.

Respectfully,

GEORGE C. WALLACE,  
Governor.

JERE BEASLEY,  
Lieutenant Governor.

JOE McCORQUODALE,  
Speaker, House of Representatives.

Done this 24th day of April, 1978.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, the Lieutenant Governor and the Speaker of the House of Representatives, relative to an appointment to the State Ethics Commission, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

We herewith transmit to you a message from the Governor, Lieutenant Governor, and Speaker of the House of Representatives relative to an appointment to the State Ethics Commission.

Respectfully submitted,

HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 24th day of April, 1978.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

We the Appointing Board for the State Ethics Commission have appointed the following named person as a member of the State Ethics Commission:

Dr. Leslie Wright  
Birmingham, Alabama

For the term expiring September 1, 1978.

As this appointment must be confirmed by your Body, we herewith transmit his name to you for such action as you may deem right and proper.

Respectfully,

GEORGE C. WALLACE,  
Governor.

JERE BEASLEY,  
Lieutenant Governor.

JOE McCORQUODALE,  
Speaker of the House of Representatives.

Done this 24th day of April, 1978.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, the Lieutenant Governor and the Speaker of the House of Representatives, relative to an appointment to the State Ethics Commission, was read and referred to the Standing Committee on Rules.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 406. Making an appropriation for the support and sponsorship of the 1978 VICA U.S. Skill Olympics.

Also:

S. 741. To amend Sections 14-1-4 and 14-1-6 of the Code of Alabama 1975, so as to allow the commissioner of corrections to appoint one additional deputy commissioner; to provide that the commissioner, deputy commissioners and all other appointed personnel shall serve at the pleasure of the board of corrections; and to provide further for the compensation of all deputy commissioners.

Also:

S. J. R. 3. MOURNING THE DEATH OF MAJOR HARWELL G. DAVIS.

Also:

S. J. R. 372. COMMENDING AND CONGRATULATING THE PITTMAN JUNIOR HIGH SCHOOL FOOTBALL TEAM ON THEIR CHAMPIONSHIP SEASON.

Also:

S. J. R. 374. CONGRATULATING AND HONORING MR. AND MRS. EDWARD E. CRAIG ON THEIR GOLDEN WEDDING ANNIVERSARY.

Also:

S. J. R. 376. COMMENDING THE BIRMINGHAM JUNIOR LEAGUE FOR THEIR PART IN THE SUCCESS OF THE BIRMINGHAM INTERNATIONAL INDOOR TENNIS TOURNAMENT.

Also:

S. J. R. 380. COMMENDING ANDALUSIA HIGH SCHOOL, CLASS 3-A STATE FOOTBALL CHAMPIONS.

Also:

S. J. R. 381. MOURNING THE DEATH OF FORMER ANDALUSIA CITY COUNCILMAN, SWINSON EDWARD ANDERSON.

Also:

S. J. R. 382. MOURNING THE DEATH OF MRS. N. D. FOSTER.

Also:

S. J. R. 386. VOICING OUR APPRECIATION FOR THE HONOR BESTOWED BY STUDENTS OF THE W. J. CHRISTIAN SCHOOL UPON THE ALABAMA LEGISLATURE.

Also:

S. J. R. 393. MOURNING THE DEATH OF BIRMINGHAM CITY COUNCIL PRESIDENT DON A. HAWKINS.

Also:

S. J. R. 394. CONGRATULATING MISS PRISCILLA GAINES, ALABAMA'S 1978 JUNIOR MISS.

Also:

S. J. R. 395. COMMENDING THE CHARLES HENDERSON HIGH SCHOOL BAND, ALABAMA'S REPRESENTATIVE TO THE DOGWOOD ARTS FESTIVAL, KNOXVILLE, TENNESSEE.

Also:

S. J. R. 396. MOURNING THE DEATH OF MR. LUKE J. SEWELL.

Also:

S. J. R. 397. CONGRATULATING ROBERT C. COLEY, GRAND MASTER OF MASONS IN ALABAMA.

Also:

S. J. R. 401. EXPRESSING CONCERN FOR MRS. FRANCES PEDEN.

Also:

S. J. R. 413. MOURNING THE DEATH OF MRS. REBECCA MITCHELL PERLOFF.

Also:

S. J. R. 414. COMMENDING AL FOX, JR.

Also:

S. J. R. 419. COMMENDING CATHY FRANCHETTE SHEPARD OF BIRMINGHAM, ALABAMA.

Also:

S. J. R. 448. COMMENDING BRANTLEY HIGH SCHOOL FOR ITS ATHLETIC AND SCHOLASTIC ENDEAVORS.

Also:

S. J. R. 449. RECOGNIZING THE IMPORTANCE OF TOMATOES AS AN AGRICULTURAL CROP AND THEIR CONTRIBUTION TO THE ECONOMY OF THE STATE OF ALABAMA.

Also:

S. J. R. 451. CONGRATULATING REPRESENTATIVE PETE TURNHAM UPON BEING SELECTED AS CHAIRMAN OF THE SOUTHERN STATES ENERGY BOARD AND APPROVING THE ATTENDANCE OF SELECTED MEMBERS OF THE ALABAMA LEGISLATURE TO THE JUNE 1978 MEETING OF THE SOUTHERN STATES ENERGY BOARD.

Also:

S. J. R. 457. COMMENDING EXPLORER SCOUT POST 309 FOR WINNING THE EXPLORER SCOUT OLYMPICS.

Also:

S. J. R. 458. EXPRESSING THE APPRECIATION OF THE LEGISLATURE TO THE MEMBERS OF THE LEGISLATIVE WIVES CLUB.

Also:

S. J. R. 459. Congratulating George Lindsey on the success of Celebrity Weekend.

U. W. CLEMON,  
Chairman.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been



publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### BILLS ON THIRD READING RESUMED

The Bill:

H. 54. To provide that the Department of Public Safety shall provide and maintain a minimum of two personnel to protect the person of any former governor who while in office sustained bodily injury from any violent criminal act.

was taken up.

The Standing Committee on State Government reported the following amendment to the Bill, H. B. 54, to-wit:

#### COMMITTEE AMENDMENT TO H. B. 54

Amend H. B. 54, line 3 and line 4 of Section 1 by adding between the words "permanent" and "bodily" the words "and disabling".

On motion of Mr. St. John, said amendment was laid on the table.

And said Bill, H. B. 54, was read a third time at length and passed.

Yeas 24; Nays 9.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Goshee, Goodwin, Higginbotham, Jones, Little, McDonald (S), McMillan, Mitchell, Noonan, Owen, Perloff, Perry, Proctor, Roberts, Shelby, Teague, Vacca, Waldrop, Wilson.

—24

*Nays:*

Messrs. Baker, Clemon, Gilmore, McDonald (A), Pearson, Peden, Powell, St. John, Stewart.

—9

The Bill:

H. 442. To make appropriations for the support and maintenance of the Walker County Junior College.

Was read a third time at length and passed.

Yeas 33; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—33

*Nays:*

—0

The Bill:

H. 249. To make appropriations for the support and maintenance of the Marion Military Institute.

Was read a third time at length and passed.

Yeas 33; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—33

*Nays:*

—0

The Bill:

H. 451. To make appropriations for the support and maintenance of the Talladega College.

Was read a third time at length and passed.

Yeas 33; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—33

*Nays:*

—0

The Bill:

H. 452. To make appropriations for the support and maintenance of the Tuskegee Institute.

Was read a third time at length and passed.

Yeas 33; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—33

*Nays:*

—0

*The Bill:*

H. 486. To make appropriations for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1979.

Was read a third time at length and passed.

Yeas 33; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—33

*Nays:*

—0

## MESSAGE FROM THE HOUSE

*Mr. President:*

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 244. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, and for interest on the public debt and for the public schools for the fiscal year beginning October 1, 1978.

said Conference Report being in words and figures as follows:

REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE BILL 244

We, your Committee on Conference appointed to reconcile the differences between the two Houses on the Bill, House Bill 244, beg leave to report as follows:

That the House of Representatives and the Senate of Alabama adopt the accompanying Conference report.

HUGH MERRILL,

WALTER OWENS,

RICHARD MANLEY,  
Conferees on part of the House.

L. D. OWEN, JR.,

WENDELL MITCHELL,

HUBERT GILMORE,  
Conferees on part of the Senate.

CONFERENCE COMMITTEE  
SUBSTITUTE FOR H. B. 244

A BILL  
TO BE ENTITLED  
AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, and for interest on the public debt and for the public schools for the fiscal year beginning October 1, 1978.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The monies in Section 2 are appropriated from the named funds for the 1978-79 fiscal year to the state agency indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the total for all programs are shown by source of funds. It is intended that only the named funds be appropriated to the agency concerned; and that the following definitions shall be applicable:

(a) "Appropriation Total" shall mean the aggregate total of all fund sources.

(b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the needs of an identical clientele, or group of recipients or beneficiaries.

(c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purpose.

(d) "Debt Service" shall mean an expenditure for the payment of interest and principal on all bonded debt obligations of the State, and shall be expended only for such purposes.

Section 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for other functions of government, for the principal and interest on the public debt, and for the public schools for the fiscal year ending September 30, 1979, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Act No. 494, 1976 Regular Session. Provided, however, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State Employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

|   | General<br>Fund | Trust<br>Fund | Appropriation<br>Total |
|---|-----------------|---------------|------------------------|
| <b>I. LEGISLATIVE:</b>  |                 |               |                        |
| <b>A. THE LEGISLATIVE SYSTEM:</b>   |                 |               |                        |
| <b>1. LEGISLATURE:</b>  |                 |               |                        |
| (a) Legislative Operations and<br>Support Program .....   |                 |               | 1,500,000              |
| (b) National Conference of State<br>Legislators .....   |                 |               | 30,530                 |
| (For the purpose of paying the<br>State's share of the operation of<br>the National Conference of the<br>State Legislatures.)   |                 |               |                        |
| <b>SOURCE OF FUNDS:</b>   |                 |               |                        |
| (1) State General Fund .....  | 1,530,530       |               |                        |
| Total Legislature .....   | 1,530,530       |               | 1,530,530              |
| <b>2. LEGISLATIVE COUNCIL:</b>  |                 |               |                        |
| (a) Legislative Operations and<br>Support Program .....   |                 |               | 50,000                 |
| For operations of the Council (in-<br>cluding out-of-state travel by<br>Council members and members<br>of the Legislature authorized to<br>attend Legislative conferences<br>by joint resolution of the Legisla-<br>ture) |                 |               |                        |
| <b>SOURCE OF FUNDS:</b>   |                 |               |                        |
| (1) State General Fund .....  | 50,000          |               |                        |
| Total Legislative Council .....   | 50,000          |               | 50,000                 |
| <b>3. LEGISLATIVE FISCAL OF-<br/>FICE:</b>  |                 |               |                        |
| (a) Legislative Operations and<br>Support Program .....   |                 |               | 310,000                |
| <b>SOURCE OF FUNDS:</b>   |                 |               |                        |
| (1) State General Fund .....  | 310,000         |               |                        |
| Total Legislative Fiscal Offices ...  | 310,000         |               | 310,000                |
| <b>4. LEGISLATIVE REFERENCE<br/>SERVICE:</b>  |                 |               |                        |
| (a) Legislative Operations and<br>Support Program .....   |                 |               | 491,640                |
| <b>SOURCE OF FUNDS:</b>   |                 |               |                        |
| (1) State General Fund .....  | 491,640         |               |                        |
| Total Legislative Reference Service   | 491,640         |               | 491,640                |
| <b>5. DEPARTMENT OF EXAMIN-<br/>ERS OF PUBLIC ACCOUNTS:</b>   |                 |               |                        |

|  |           |           |
|--|-----------|-----------|
| (a) Legislative Support—Audit Services Program .....   |           | 2,020,000 |
| SOURCE OF FUNDS:   |           |           |
| (1) State General Fund .....   | 2,020,000 |           |
| Total Department of Examiners of Public Accounts .....   | 2,020,000 | 2,020,000 |
| II. JUDICIAL:  |           |           |
| A. THE JUDICIAL SYSTEM:  |           |           |
| 1. COURT OF CIVIL APPEALS:   |           |           |
| (a) Court Operations Program ...   |           | 118,866   |
| (b) Court Support Services Program .....   |           | 238,134   |
| SOURCE OF FUNDS:   |           |           |
| (1) State General Fund .....   | 357,000   |           |
| Total Court of Civil Appeals .....   | 357,000   | 357,000   |
| 2. COURT OF CRIMINAL APPEALS:  |           |           |
| (a) Court Operations Program ...   |           | 540,000   |
| SOURCE OF FUNDS:   |           |           |
| (1) State General Fund .....   | 540,000   |           |
| Total Court of Criminal Appeals .  | 540,000   | 540,000   |
| 3. DISTRICT ATTORNEYS:   |           |           |
| (a) Court Operations Program ...   |           | 3,310,000 |
| The proposed spending plan included in the above total is as follows:  |           |           |
| Salaries of District Attorneys .....   | 936,000   |           |
| Salary of elected Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit .....                 | 23,000    |           |
| Salary of the appointed Assistant Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit ..... | 3,600     |           |
| Salaries and expenses of Supernumerary District Attorneys .....  | 367,000   |           |
| For use in the District Attorney's Office of the 1st Judicial Circuit .....  | 32,400    |           |
| For use in the District Attorney's Office of the 2nd Judicial Circuit .....  | 25,800    |           |

|  |         |
|--|---------|
| For use in the District Attorney's<br>Office of the 3rd Judicial Cir-<br>cuit .....  | 33,643  |
| For use in the District Attorney's<br>Office of the 4th Judicial Cir-<br>cuit .....  | 124,436 |
| For use in the District Attorney's<br>Office of the 5th Judicial Cir-<br>cuit .....  | 102,400 |
| For use in the District Attorney's<br>Office of the 6th Judicial Cir-<br>cuit .....  | 16,800  |
| For use in the District Attorney's<br>Office of the 7th Judicial Cir-<br>cuit .....  | 62,150  |
| For use in the District Attorney's<br>Office of the 8th Judicial Cir-<br>cuit .....  | 29,180  |
| For use in the District Attorney's<br>Office of the 9th Judicial Cir-<br>cuit .....  | 54,900  |
| For use in the District Attorney's<br>Office of the 10th Judicial Cir-<br>cuit ..... | 144,000 |
| For use in the District Attorney's<br>Office of the 11th Judicial Cir-<br>cuit ..... | 35,600  |
| For use in the District Attorney's<br>Office of the 12th Judicial Cir-<br>cuit ..... | 31,025  |
| For use in the District Attorney's<br>Office of the 13th Judicial Cir-<br>cuit ..... | 90,000  |
| For use in the District Attorney's<br>Office of the 14th Judicial Cir-<br>cuit ..... | 43,058  |
| For use in the District Attorney's<br>Office of the 15th Judicial Cir-<br>cuit ..... | 126,250 |
| For use in the District Attorney's<br>Office of the 16th Judicial Cir-<br>cuit ..... | 61,000  |
| For use in the District Attorney's<br>Office of the 17th Judicial Cir-<br>cuit ..... | 29,000  |
| For use in the District Attorney's<br>Office of the 18th Judicial Cir-<br>cuit ..... | 38,303  |
| For use in the District Attorney's<br>Office of the 19th Judicial Cir-<br>cuit ..... | 37,080  |

|  |        |
|--|--------|
| For use in the District Attorney's<br>Office of the 20th Judicial Cir-<br>cuit ..... | 69,865 |
| For use in the District Attorney's<br>Office of the 21st Judicial Cir-<br>cuit ..... | 38,600 |
| For use in the District Attorney's<br>Office of the 22nd Judicial Cir-<br>cuit ..... | 42,637 |
| For use in the District Attorney's<br>Office of the 23rd Judicial Cir-<br>cuit ..... | 63,000 |
| For use in the District Attorney's<br>Office of the 24th Judicial Cir-<br>cuit ..... | 31,000 |
| For use in the District Attorney's<br>Office of the 25th Judicial Cir-<br>cuit ..... | 27,000 |
| For use in the District Attorney's<br>Office of the 26th Judicial Cir-<br>cuit ..... | 85,640 |
| For use in the District Attorney's<br>Office of the 27th Judicial Cir-<br>cuit ..... | 53,800 |
| For use in the District Attorney's<br>Office of the 28th Judicial Cir-<br>cuit ..... | 29,000 |
| For use in the District Attorney's<br>Office of the 29th Judicial Cir-<br>cuit ..... | 37,900 |
| For use in the District Attorney's<br>Office of the 30th Judicial Cir-<br>cuit ..... | 34,000 |
| For use in the District Attorney's<br>Office of the 31st Judicial Cir-<br>cuit ..... | 31,400 |
| For use in the District Attorney's<br>Office of the 32nd Judicial Cir-<br>cuit ..... | 24,000 |
| For use in the District Attorney's<br>Office of the 33rd Judicial Cir-<br>cuit ..... | 29,200 |
| For use in the District Attorney's<br>Office of the 34th Judicial Cir-<br>cuit ..... | 21,489 |
| For use in the District Attorney's<br>Office of the 35th Judicial Cir-<br>cuit ..... | 33,000 |



For use in the District Attorney's  
Office of the 36th Judicial Cir-  
cuit ..... 21,800

For use in the District Attorney's  
Office of the 37th Judicial Cir-  
cuit ..... 30,600

For use in the District Attorney's  
Office of the 38th Judicial Cir-  
cuit ..... 34,623

Appropriations of Salaries of Per-  
sonnel Established by Statute  
are estimated.

Travel Expense of District Attor-  
neys ..... 50,000

Telephone Service, Stationery,  
Stamps and necessary Office  
supplies for Office use of District  
Attorneys, Deputy District At-  
torneys or Assistants (provided,  
however, that none of this ap-  
propriation shall be expended for  
books and equipment pur-  
chases) ..... 74,821

3,310,000

#### SOURCE OF FUNDS:

(1) State General Fund ..... 3,310,000

Total District Attorneys ..... 3,310,000      3,310,000

#### 4. JUDICIAL RETIREMENT SYSTEM:

(a) Retirement Systems Program ..... 3,000,000

#### SOURCE OF FUNDS:

(1) State General Fund ..... 3,000,000

Total Judicial Retirement System ..... 3,000,000      3,000,000

#### 5. SUPREME COURT:

(a) Court Operations Program ... 1,415,700

#### SOURCE OF FUNDS:

(1) State General Fund ..... 1,410,000

(2) Federal, Local and Miscellane-  
ous Funds ..... 5,700

Total Supreme Court ..... 1,410,000      5,700      1,415,700

#### 6. UNIFIED JUDICIAL SYSTEM:

(a) Court Operations Program ... 25,754,532

(b) Administrative Services Pro-  
gram ..... 1,579,761

#### SOURCE OF FUNDS:

|                                     |            |            |
|-------------------------------------|------------|------------|
| (1) State General Fund . . . . .    | 25,754,532 |            |
| Total Unified Judicial System . . . | 25,254,532 | 25,254,532 |

In addition to the above appropriation there is appropriated \$500,000 Conditional upon the condition of the General Fund and upon approval of the Governor.

### III. EXECUTIVE:

#### A. DEPARTMENTS, AGENCIES, AND OTHER ESSENTIAL FUNCTIONS OF THE EXECUTIVE BRANCH:

##### 1. ALABAMA ACADEMY OF HONOR:

|   |  |       |
|---|--|-------|
| (a) Historical Resources Management Program . . . . . |  | 1,500 |
|---|--|-------|

##### SOURCE OF FUNDS:

|   |       |       |
|---|-------|-------|
| (1) State General Fund pursuant to provisions of Act No. 15, Third Special Session 1965 . . . . . | 1,500 |       |
| Total Alabama Academy of Honor  | 1,500 | 1,500 |

##### 2. ALABAMA STATE BOARD OF PUBLIC ACCOUNTANCY:

|  |  |         |
|--|--|---------|
| (a) Professional and Occupational Licensing and Regulation Program . . . . . |  | 120,000 |
|--|--|---------|

##### SOURCE OF FUNDS:

|  |         |  |
|--|---------|--|
| (1) State Board of Public Accountancy Fund . . . . . | 120,000 |  |
|--|---------|--|

In addition to the amounts appropriated hereinabove to the Alabama State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.

|   |         |         |
|---|---------|---------|
| Total Alabama State Board of Public Accountancy . . . . . | 120,000 | 120,000 |
|---|---------|---------|

##### 3. BOARD OF ADJUSTMENT:

|                                      |  |         |
|--------------------------------------|--|---------|
| (a) Special Services Program . . . . |  | 165,000 |
|--------------------------------------|--|---------|

##### SOURCE OF FUNDS:

|   |  |  |
|---|--|--|
| (1) State General Fund for the General Fund Contribution to |  |  |
|---|--|--|

|   |           |           |
|---|-----------|-----------|
| the total expenditure of \$350,000 pursuant to Title 41, Chapter 9, Section 73 of the Code of Alabama 1975 .....                                | 65,000    |           |
| (2) State General Fund for expenditures as provided in Act No. 208, 1966 Special Session and Act No. 436, 1967 Regular Session, Estimated ..... | 100,000   |           |
| Total Board of Adjustment .....   | 165,000   | 165,000   |
| 4. DEPARTMENT OF AERONAUTICS:   |           |           |
| (a) Airport Development and Regulation of Air Transportation Program .....  |           | 733,000   |
| SOURCE OF FUNDS:  |           |           |
| (1) Airport Development Fund as provided by Act No. 402, 1945 Acts, page 620 .....  | 576,500   |           |
| (2) Surplus Military Fields Fund .....  | 156,500   |           |
| Total Department of Aeronautics .....   | 733,000   | 733,000   |
| 5. COMMISSION ON AGING:   |           |           |
| (a) Planning and Advocacy for Elderly Program .....   |           | 8,948,302 |
| SOURCE OF FUNDS:  |           |           |
| (1) State General Fund—Transfer to Commission on Aging Fund .....   | 225,000   |           |
| (2) Federal, Local and Miscellaneous Funds .....  | 8,723,302 |           |
| Total Commission on Aging .....   | 225,000   | 8,948,302 |
| 6. AGRICULTURAL CENTER BOARD:   |           |           |
| (a) Agricultural Development Services Program .....   |           | 500,000   |
| SOURCE OF FUNDS:  |           |           |
| (1) State General Fund for expenses and awarding of prizes for fairs as provided by Act No. 1122, 1969 Regular Session .....                    | 90,000    |           |
| (2) State General Fund—Transfer .....   | 310,000   |           |
| (3) Livestock Coliseum Fund .....   | 100,000   |           |
| Total Agricultural Center Board .....   | 400,000   | 500,000   |
| 7. DEPARTMENT OF AGRICULTURE AND INDUSTRIES:  |           |           |
| (a) Administrative Services Program .....   |           | 675,312   |

|   |           |
|---|-----------|
| (b) Agricultural Inspection Services Program .....        | 7,493,746 |
| (c) Laboratory Analysis and Disease Control Program ..... | 2,824,065 |
| (d) Agricultural Development Services Program .....       | 443,544   |

## SOURCE OF FUNDS:

|  |           |                  |            |
|--|-----------|------------------|------------|
| (1) State General Fund Transfer .  | 4,250,000 |                  |            |
| (2) Federal, Local and Miscellaneous Funds .....   |           | 1,671,997        |            |
| (3) Egg Inspection Fund .....  |           | 1,240            |            |
| (4) Meat Inspection Fund .....   |           | 46,913           |            |
| (5) Shipping Point Inspection Fund pursuant to Title 2, Sections 2-9-20 and 2-9-21; Code of Alabama, 1975. All fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping Point Inspection, grading and classification services for agricultural products including services furnished for weighing and issuing weight certificates to be used for the sale of agricultural commodities ..... |           | 3,234,000        |            |
| (6) Agricultural Fund (Any surplus remaining in the Agricultural Fund at the end of the fiscal year in excess of \$150,000 shall be transferred to the State General Fund.) .....  |           | <u>2,232,517</u> |            |
| Total Department of Agriculture and Industries .....   | 4,250,000 | 7,186,667        | 11,436,667 |
| (In addition to the above appropriation, there is hereby appropriated \$400,000 to be conditional upon the condition of the State General Fund and upon approval of the Governor.  |           |                  |            |
| 8. ALABAMA AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION:   |           |                  |            |
| (a) Agricultural Development Services Program .....  |           |                  | 36,000     |

## SOURCE OF FUNDS:

|  |        |        |
|--|--------|--------|
| (1) State General Fund .....                                   | 36,000 |        |
| Total Alabama Agricultural and Industrial Exhibit Commission . | 36,000 | 36,000 |
| 9. ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD:                   |        |        |

|   |            |
|---|------------|
| (a) Alcoholic Beverage Management Program ..... | 15,054,942 |
| (b) Licensing and Enforcement Program .....     | 5,388,700  |
| (c) Administrative Services Program .....       | 1,349,408  |

The above programs shall include transfers to State Personnel Department of \$64,970, to Mental Health Department of \$1,000,000 and to Telephone Revolving Fund of \$11,340.

## SOURCE OF FUNDS:

|                                   |            |
|-----------------------------------|------------|
| (1) ABC Stores Fund .....         | 16,404,350 |
| (2) Beer Excise Tax and Licensing | 1,904,388  |
| (3) Law Enforcement Division ...  | 3,484,312  |

In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to

the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population.

Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

|  |            |            |
|--|------------|------------|
| Total Alabama Alcoholic Beverage Control Board ..... | 21,793,050 | 21,793,050 |
|--|------------|------------|

#### 10. BOARD FOR REGISTRATION OF ARCHITECTS:

|  |  |        |
|--|--|--------|
| (a) Professional and Occupational Licensing and Regulation Program ..... |  | 44,500 |
|--|--|--------|

#### SOURCE OF FUNDS:

|   |        |  |
|---|--------|--|
| (1) Board of Architects Trust Fund as provided in Title 34, Chapter 2, Code of Alabama 1975, as Amended ..... | 44,500 |  |
|---|--------|--|

|  |        |        |
|--|--------|--------|
| Total Board for Registration of Architects ..... | 44,500 | 44,500 |
|--|--------|--------|

#### 11. ARCHIVES AND HISTORY:

|   |  |         |
|---|--|---------|
| (a) Historical Resources Management Program ..... |  | 350,000 |
|---|--|---------|

#### SOURCE OF FUNDS:

|                              |         |  |
|------------------------------|---------|--|
| (1) State General Fund ..... | 350,000 |  |
|------------------------------|---------|--|

|                            |         |         |
|----------------------------|---------|---------|
| Total Archives and History | 350,000 | 350,000 |
|----------------------------|---------|---------|

#### 12. OFFICE OF THE ATTORNEY GENERAL:

|   |  |  |           |
|---|--|--|-----------|
| (a) Legal Advice and Legal Services Program ..... |  |  | 1,350,000 |
|---|--|--|-----------|

## SOURCE OF FUNDS:

|  |                  |  |           |
|--|------------------|--|-----------|
| (1) State General Fund .....               | <u>1,350,000</u> |  |           |
| Total Office of the Attorney General ..... | 1,350,000        |  | 1,350,000 |

## 13. STATE AUDITOR:

|                                 |  |  |         |
|---------------------------------|--|--|---------|
| (a) Fiscal Management Program . |  |  | 450,000 |
|---------------------------------|--|--|---------|

## SOURCE OF FUNDS:

|                              |                |  |         |
|------------------------------|----------------|--|---------|
| (1) State General Fund ..... | <u>450,000</u> |  |         |
| Total State Auditor .....    | 450,000        |  | 450,000 |

## 14. STATE BANKING DEPARTMENT:

|   |  |  |           |
|---|--|--|-----------|
| (a) Charter, License, and Regulate Financial Institutions Program |  |  | 1,450,038 |
|---|--|--|-----------|

## SOURCE OF FUNDS:

|   |                |           |           |
|---|----------------|-----------|-----------|
| (1) Banking Assessment Fees as provided in Act No. 373, 1965 Regular Session .....  |                | 944,278   |           |
| (2) Bureau of Credit Unions as provided in Act No. 2293, 1971 Regular Session ..... |                | 132,712   |           |
| (3) Loan Examination Fund as provided in Act No. 374, 1959 Regular Session .....    |                | 30,048    |           |
| (4) State General Fund—Transfer   | <u>343,000</u> |           |           |
| Total State Banking Department .  | 343,000        | 1,107,038 | 1,450,038 |

## 15. ALABAMA STATE BAR ASSOCIATION:

|  |  |  |         |
|--|--|--|---------|
| (a) Professional and Occupational Licensing and Regulation Program ..... |  |  | 390,575 |
|--|--|--|---------|

## SOURCE OF FUNDS:

|   |                |  |         |
|---|----------------|--|---------|
| (1) State Bar Association Fund, pursuant to Title 34, Chapter 3, Code of Alabama 1975 ..... | <u>390,575</u> |  |         |
| Total Alabama State Bar Association .....   | 390,575        |  | 390,575 |

## 16. BEAR CREEK DEVELOPMENT AUTHORITY:

|  |  |  |         |
|--|--|--|---------|
| (a) Water Resource Development Program ..... |  |  | 125,303 |
|--|--|--|---------|

## SOURCE OF FUNDS:

|  |        |               |         |
|--|--------|---------------|---------|
| (1) State General Fund .....                     | 31,500 |               |         |
| (2) Federal, Local and Miscellaneous Funds ..... |        | <u>93,803</u> |         |
| Total Bear Creek Development Authority .....     | 31,500 | 93,803        | 125,303 |

## 17. BUILDING COMMISSION:

|                                   |  |  |         |
|-----------------------------------|--|--|---------|
| (a) Special Services Program .... |  |  | 560,077 |
|-----------------------------------|--|--|---------|

## SOURCE OF FUNDS:

|  |         |                |         |
|--|---------|----------------|---------|
| (1) State General Fund .....                     | 100,000 |                |         |
| (2) Federal, Local and Miscellaneous Funds ..... |         | <u>460,077</u> |         |
| Total Building Commission .....                  | 100,000 | 460,077        | 560,077 |

## 18. ALABAMA STATE BOARD OF CHIROPRACTIC EXAMINERS:

|  |  |  |        |
|--|--|--|--------|
| (a) Professional and Occupational Licensing and Regulation Program ..... |  |  | 21,000 |
|--|--|--|--------|

## SOURCE OF FUNDS:

|  |  |               |        |
|--|--|---------------|--------|
| (1) Alabama State Board of Chiropractic Examiner's Fund as provided in Act No. 108, 1959 Regular Session ..... |  | <u>21,100</u> |        |
| Total Alabama State Board of Chiropractic Examiners .....  |  | 21,100        | 21,100 |

## 19. DEPARTMENT OF CIVIL DEFENSE:

|  |  |  |           |
|--|--|--|-----------|
| (a) Readiness and Recovery Program ..... |  |  | 2,492,487 |
|--|--|--|-----------|

## SOURCE OF FUNDS:

|  |         |                  |           |
|--|---------|------------------|-----------|
| (1) State General Fund .....                     | 240,000 |                  |           |
| (2) Federal, Local and Miscellaneous Funds ..... |         | <u>2,252,487</u> |           |
| Total Department of Civil Defense .....          | 240,000 | 2,252,487        | 2,492,487 |

## 20. DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES:

|   |  |  |           |
|---|--|--|-----------|
| (a) Wildlife and Gamefish Management Program .....      |  |  | 8,318,409 |
| (b) State Land Management Program .....                 |  |  | 347,390   |
| (c) Outdoor Recreation Sites and Services Program ..... |  |  | 8,687,145 |
| (d) Administrative Services Program .....               |  |  | 1,171,014 |



|   |         |
|---|---------|
| (e) Capital Outlay—Lightwood<br>Knot Creek State Park ..... | 600,000 |
|---|---------|

## SOURCE OF FUNDS:

|                              |           |
|------------------------------|-----------|
| (1) Game and Fish Fund ..... | 6,886,119 |
| (2) State Lands Fund .....   | 347,390   |

The funds hereinabove appropriated from the State Lands Fund includes funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.

|                                 |         |
|---------------------------------|---------|
| (3) Marine Resources Fund ..... | 960,500 |
|---------------------------------|---------|

In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated and may be expended by the Director of Conservation on such Marine Resources Division Programs or projects which he deems appropriate.

|                              |           |
|------------------------------|-----------|
| (4) Marine Police Fund ..... | 1,418,105 |
|------------------------------|-----------|

|   |         |
|---|---------|
| (5) State General Fund—Transfer<br>to Parks Fund for Lightwood<br>Knot Creek State Park ..... | 600,000 |
|---|---------|

|                      |           |
|----------------------|-----------|
| (6) Parks Fund ..... | 5,640,830 |
|----------------------|-----------|

(Provided, however, of the amount hereinabove appropriated, at least \$100,000.00 thereof shall be expended for the operation, maintenance and Capital outlay of Tannehill State Park. This appropriation is absolute and payable at the beginning of the fiscal year.)

|                      |         |
|----------------------|---------|
| (7) Parks Fund ..... | 100,000 |
|----------------------|---------|

For repair of the dam at Chattahoochee State Park.

|                                |           |
|--------------------------------|-----------|
| (8) Administrative Funds ..... | 1,171,014 |
|--------------------------------|-----------|

The funds hereinabove appropriated shall be payable as pro-

vided in Title 9, Chapter 2, Section 1, Code of Alabama 1975.

|  |                  |            |            |
|--|------------------|------------|------------|
| (9) State General Fund—Transfer to Parks Fund .....          | <u>2,000,000</u> |            |            |
| Total Department of Conservation and Natural Resources ..... | 2,600,000        | 16,523,958 | 19,123,958 |

## 21. GOVERNOR'S OFFICE OF CONSUMER PROTECTION:

|  |  |  |         |
|--|--|--|---------|
| (a) Fair Marketing Practices Program ..... |  |  | 223,440 |
|--|--|--|---------|

### SOURCE OF FUNDS:

|   |         |               |         |
|---|---------|---------------|---------|
| (1) State General Fund .....                          | 200,000 |               |         |
| (2) Federal, Local and Miscellaneous Funds .....      |         | <u>23,440</u> |         |
| Total Governor's Offices of Consumer Protection ..... | 200,000 | 23,440        | 223,440 |

## 22. STATE LICENSING BOARD FOR GENERAL CONTRACTORS:

|  |  |  |         |
|--|--|--|---------|
| (a) Professional and Occupational Licensing and Regulation Program ..... |  |  | 168,000 |
|--|--|--|---------|

### SOURCE OF FUNDS:

|  |  |         |  |
|--|--|---------|--|
| (1) State Licensing Board for General Contractors Fund ..... |  | 168,000 |  |
|--|--|---------|--|

Pursuant to Title 34, Chapter 8, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors there is hereby appropriated as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

|   |  |         |         |
|---|--|---------|---------|
| Total State Licensing Board for General Contractors ..... |  | 168,000 | 168,000 |
|---|--|---------|---------|

## 23. BOARD OF CORRECTIONS:

|   |  |  |            |
|---|--|--|------------|
| (a) Administrative Services and Logistical Support Program .... |  |  | 1,625,009  |
| (b) Institutional Services Corrections Program .....            |  |  | 22,431,581 |
| (c) Correctional Industries Program .....                       |  |  | 2,209,798  |

### SOURCE OF FUNDS:

|  |            |           |
|--|------------|-----------|
| (1) State General Fund—Transfer                  | 13,250,000 |           |
| (2) Federal, Local and Miscellaneous Funds ..... |            | 2,000,000 |
| (3) Federal Revenue Sharing ....                 |            | 7,000,000 |
| (4) Board of Corrections Fund ...                |            | 4,016,388 |

The Commissioner of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Board of Corrections. Any such grant funds so generated and in direct support of the Board of Corrections operations are also hereby appropriated. Provided, however, that no funds herein appropriated to the Board of Corrections shall be expended for capital outlay without prior approval of the Joint Corrections Management and Performance Evaluation Committee of the Legislature.

|                                  |            |            |            |
|----------------------------------|------------|------------|------------|
| Total Board of Corrections ..... | 13,250,000 | 13,016,388 | 26,266,388 |
|----------------------------------|------------|------------|------------|

In addition to the above appropriation there is hereby appropriated \$1,050,000 to be conditional upon the condition of the State General Fund and upon the approval of the Governor.

#### 24. ALABAMA BOARD OF COSMETOLOGY:

|  |  |         |
|--|--|---------|
| (a) Professional and Occupational Licensing and Regulation Program ..... |  | 262,000 |
|--|--|---------|

#### SOURCE OF FUNDS:

|   |         |
|---|---------|
| (1) Alabama Board of Cosmetology Fund pursuant to provisions of Act No. 653, 1957 Regular Session ..... | 262,000 |
|---|---------|

|  |         |         |
|--|---------|---------|
| Total Alabama Board of Cosmetology ..... | 262,000 | 262,000 |
|--|---------|---------|

#### 25. ALABAMA CRIMINAL JUSTICE INFORMATION SYSTEM:

|   |           |
|---|-----------|
| (a) Criminal Justice Information Services Program ..... | 1,725,562 |
|---|-----------|

#### SOURCE OF FUNDS:

|   |           |           |           |
|---|-----------|-----------|-----------|
| (1) State General Fund .....  | 1,260,000 |           |           |
| (2) Federal, Local and Miscellaneous Funds .....  |           | 465,562   |           |
| Total Alabama Criminal Justice Information System .....   | 1,260,000 | 465,562   | 1,725,562 |
| <b>26. ALABAMA DAIRY COMMISSION:</b>  |           |           |           |
| (a) Regulatory Services Program .   |           |           | 447,000   |
| <b>SOURCE OF FUNDS:</b>   |           |           |           |
| (1) Dairy Commission Fund as provided in Title 2, Chapter 13, Code of Alabama 1975 .....  |           | 447,000   |           |
| Total Alabama Dairy Commission  |           | 447,000   | 447,000   |
| <b>27. ALABAMA DEVELOPMENT OFFICE:</b>  |           |           |           |
| (a) Administrative Services Program .....   |           |           | 1,608,104 |
| (b) Industrial Development Program .....  |           |           | 1,160,990 |
| (c) Planning Program .....  |           |           | 3,506,385 |
| (d) Alabama Energy Management Program .....   |           |           | 400,081   |
| <b>SOURCE OF FUNDS:</b>   |           |           |           |
| (1) State General Fund—Transfer   | 1,900,000 |           |           |
| (2) Federal, Local and Miscellaneous Funds .....  |           | 4,775,560 |           |
| Total Alabama Development Office  | 1,900,000 | 4,774,560 | 6,675,560 |
| <b>28. STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS:</b>   |           |           |           |
| (a) Professional and Occupational Licensing and Regulation Program .....  |           |           | 253,000   |
| <b>SOURCE OF FUNDS:</b>   |           |           |           |
| (1) Professional Engineer's Fund—as provided in Title 34, Chapter 11, Code of Alabama 1975, as amended, and Act No. 1049, 1975 Regular Session .... |           | 253,000   |           |
| Total State Board of Registration for Professional Engineers and Land Surveyors .....   |           | 253,000   | 253,000   |
| <b>29. ALABAMA ETHICS COMMISSION:</b>   |           |           |           |
| (a) Regulation of Public Officials and Employees Program .....  |           |           | 150,000   |

## SOURCE OF FUNDS:

|                                 |         |  |         |
|---------------------------------|---------|--|---------|
| (1) State General Fund .....    | 150,000 |  |         |
| Total Alabama Ethics Commission | 150,000 |  | 150,000 |

## 30. FARMERS' MARKET AUTHORITY:

|   |  |  |         |
|---|--|--|---------|
| (a) Agricultural Development Services Program ..... |  |  | 155,000 |
|---|--|--|---------|

## SOURCE OF FUNDS:

|   |        |         |         |
|---|--------|---------|---------|
| (1) State General Fund—Transfer   | 55,000 |         |         |
| (2) Farmers' Market Authority Fund—Revenue and Capital Outlay Account ..... |        | 100,000 |         |
| Total Farmers' Market Authority   | 55,000 | 100,000 | 155,000 |

## 31. DEPARTMENT OF FINANCE:

|   |  |  |           |
|---|--|--|-----------|
| (a) Fiscal Management Program .                   |  |  | 1,540,540 |
| (b) Administrative Support Services Program ..... |  |  | 3,134,660 |

## SOURCE OF FUNDS:

|   |           |         |           |
|---|-----------|---------|-----------|
| (1) State General Funds .....   | 4,060,000 |         |           |
| Of the above appropriations in subsection (b) there is hereby authorized \$15,000 to the Division of Service to be used for operation and maintenance of the Lurleen B. Wallace Museum. |           |         |           |
| (2) Federal, Local and Miscellaneous Funds .....  |           | 615,200 |           |
| Total Department of Finance ....  | 4,060,000 | 615,200 | 4,675,200 |

## 32. FINANCE—TELEPHONE NETWORK FUND:

|   |  |  |           |
|---|--|--|-----------|
| (a) Administrative Support Services Program ..... |  |  | 2,441,571 |
|---|--|--|-----------|

## SOURCE OF FUNDS:

|  |         |        |  |
|--|---------|--------|--|
| (1) State General Fund .....                             | 532,000 |        |  |
| (2) Transfer from Alcoholic Beverage Control Board ..... |         | 11,340 |  |
| (3) Transfer from Agriculture and Industries .....       |         | 20,000 |  |
| (4) Transfer from Public Service Commission .....        |         | 16,740 |  |
| (5) Transfer from Revenue Department .....               |         | 29,160 |  |
| (6) Transfer from Conservation—Game and Fish. ....       |         | 7,380  |  |

|  |           |           |           |
|--|-----------|-----------|-----------|
| (7) Transfer from Conservation—Administration .....                      |           | 7,560     |           |
| (8) Transfer from State Forestry Commission .....                        |           | 19,440    |           |
| (9) Transfer from Highway Department .....                               |           | 112,808   |           |
| (10) Transfer from Mental Health .....                                   |           | 186,440   |           |
| (11) Transfer from Pensions and Security .....                           |           | 126,496   |           |
| (12) Transfer from Law Enforcement Planning Agency .....                 |           | 10,800    |           |
| (13) Transfer from Industrial Relations .....                            |           | 159,536   |           |
| (14) Transfer from Department of Education .....                         |           | 900,000   |           |
| (15) Accounts Receivable .....   |           | 301,871   |           |
| Total Finance—Telephone Network Fund .....                               | 532,000   | 1,909,571 | 2,441,571 |
| 33. ALABAMA STATE BOARD OF REGISTRATION FOR FORESTERS:                   |           |           |           |
| (a) Professional and Occupational Licensing and Regulation Program ..... |           |           | 17,900    |
| SOURCE OF FUNDS:   |           |           |           |
| (1) Professional Foresters' Fund .....                                   |           | 17,900    |           |
| Total Alabama State Board of Registration for Foresters .....            |           | 17,900    | 17,900    |
| 34. ALABAMA FORESTRY COMMISSION:   |           |           |           |
| (a) Forest Resource Protection Program .....                             |           |           | 5,069,226 |
| (b) Forest Resource Management and Development Program .....             |           |           | 1,774,567 |
| (c) Forestry Information and Education Program .....                     |           |           | 200,000   |
| (d) Administrative Services Program .....                                |           |           | 637,653   |
| (e) Emergency Firefighting Operations—Conditional .....                  |           |           | 500,000   |
| SOURCE OF FUNDS:   |           |           |           |
| (1) State General Fund—Transfer .....                                    | 3,100,000 |           |           |
| (2) Federal and Local Funds .....  |           | 1,500,000 |           |
| (3) Forestry Commission Fund .....                                       |           | 3,081,446 |           |

It is provided that in the event receipts into the Forestry Commission Fund from County appropriations exceed the sum of \$500,000 then such excess is hereby appropriated. It is further provided that in the event receipts into the Forestry Commission Fund from Federal Funds exceed the sum of \$1,000,000, then such excess is hereby appropriated. In the event of an emergency, so determined by the Director of the Forestry Commission with the approval of the Governor is hereby authorized to meet such emergency by transferring to and from any item of expenditure herein appropriated for use by the Forestry Commission.

Of the above appropriation \$100,000 shall be used for rural and community fire protection.

|  |         |  |  |
|--|---------|--|--|
| (4) State General Fund—<br>Conditional ..... | 500,000 |  |  |
|--|---------|--|--|

(Conditional upon the condition of the State General Fund and upon approval of the Governor, with also a State of Emergency being declared by the State Forester.

|   |           |           |           |
|---|-----------|-----------|-----------|
| Total Alabama Forestry Commission ..... | 3,100,000 | 4,581,446 | 7,681,446 |
|---|-----------|-----------|-----------|

|  |         |  |         |
|--|---------|--|---------|
| Alabama Forestry Comm.—<br>Conditional ..... | 500,000 |  | 500,000 |
|--|---------|--|---------|

### 35. ALABAMA HISTORICAL COMMISSION—FORT MORGAN:

|   |  |  |         |
|---|--|--|---------|
| (a) Historical Resources Management Program ..... |  |  | 135,000 |
|---|--|--|---------|

#### SOURCE OF FUNDS:

|                              |        |  |  |
|------------------------------|--------|--|--|
| (1) State General Fund ..... | 85,000 |  |  |
|------------------------------|--------|--|--|

|  |  |        |  |
|--|--|--------|--|
| (2) Federal, Local and Miscellaneous Funds ..... |  | 50,000 |  |
|--|--|--------|--|

|  |        |        |         |
|--|--------|--------|---------|
| Total Alabama Historical Commission—Fort Morgan .... | 85,000 | 50,000 | 135,000 |
|--|--------|--------|---------|

### 36. FUNERAL SERVICE, ALABAMA BOARD OF:

|  |  |  |        |
|--|--|--|--------|
| (a) Professional and Occupational Licensing and Regulation Program ..... |  |  | 81,900 |
|--|--|--|--------|

## SOURCE OF FUNDS:

|   |        |        |
|---|--------|--------|
| (1) Alabama Funeral Directors and Embalmers Fund as provided in Act No. 214, 1975 Regular Session ..... | 81,900 |        |
| Total Alabama Board of Funeral Service .....  | 81,900 | 81,900 |

## 37. GEOLOGICAL SURVEY:

|   |  |           |
|---|--|-----------|
| (a) Discovery and Development of Minerals, Energy, and Water Resources, Geologic Research and Topographic Mapping Program . |  | 1,458,875 |
|---|--|-----------|

## SOURCE OF FUNDS:

|  |         |           |
|--|---------|-----------|
| (1) State General Fund .....                     | 915,000 |           |
| (2) Federal, Local and Miscellaneous Funds ..... | 543,875 |           |
| Total Geological Survey .....                    | 915,000 | 1,458,875 |

## 38. GORGAS MEMORIAL BOARD:

|   |  |        |
|---|--|--------|
| (a) Historical Resources Management Program ..... |  | 10,750 |
|---|--|--------|

## SOURCE OF FUNDS:

|   |       |        |
|---|-------|--------|
| (1) State General Fund—to provide for the appropriation authorized by Act No. 417, 1943 Acts, page 383 and an additional amount ..... | 9,000 |        |
| (2) Federal, Local and Miscellaneous Funds .....  | 1,750 |        |
| Total Gorgas Memorial Board ....  | 9,000 | 10,750 |

## 39. GOVERNOR'S OFFICE:

|                                   |  |           |
|-----------------------------------|--|-----------|
| (a) Executive Direction Program . |  | 1,086,000 |
|-----------------------------------|--|-----------|

## SOURCE OF FUNDS:

|                               |           |           |
|-------------------------------|-----------|-----------|
| (1) State General Fund .....  | 1,086,000 |           |
| Total Governor's Office ..... | 1,086,000 | 1,086,000 |

## 40. HEALING ARTS, STATE LICENSING BOARD FOR THE:

|  |  |        |
|--|--|--------|
| (a) Professional and Occupational Licensing and Regulation Program ..... |  | 92,000 |
|--|--|--------|

## SOURCE OF FUNDS:

|   |        |  |
|---|--------|--|
| (1) State Licensing Board for the Healing Arts Fund ..... | 92,000 |  |
|---|--------|--|



|   |           |            |            |
|---|-----------|------------|------------|
| Total State Licensing Board for the Healing Arts .....  | 92,000    | 92,000     |            |
| 41. DEPARTMENT OF PUBLIC HEALTH:  |           |            |            |
| (a) Administrative Services Program .....   |           | 2,442,030  |            |
| (b) Health Support Services Program .....   |           | 7,158,466  |            |
| (c) Personal Health Improvement Program .....   |           | 22,215,252 |            |
| (d) Environmental Health Improvement Program, provided that \$138,241 of such amount shall be used exclusively for the Alabama Water Improvement Commission ..... |           | 5,555,960  |            |
| (e) Special Services Program ....   |           | 1,143,424  |            |
| (f) Health Planning, Development and Regulation Program .....   |           | 2,954,453  |            |
| (g) Hypothyroid Screening Program (Conditional) .....   |           | 105,558    |            |
| SOURCE OF FUNDS:  |           |            |            |
| (1) State General Fund .....  | 8,938,241 |            |            |
| (1A) State General Fund (Conditional) .....   | 105,558   |            |            |
| (The above appropriation is conditional upon the condition of the State General Fund and upon approval of the Governor.)  |           |            |            |
| (2) General and Mental Health Fund as provided in Act No. 654, 1965 Regular Session .....   |           | 1,600,000  |            |
| (3) General and Mental Health Fund as provided in Act No. 275, 1967 Regular Session, as amended .....   |           | 2,300,000  |            |
| (4) Vital Statistics Fund .....   |           | 804,247    |            |
| (5) Hospital Licensing Fund ....  |           | 76,780     |            |
| (6) Emergency Medical Services Fund as provided in Act No. 1590, 1971 Regular Session ....  |           | 33,643     |            |
| (7) Federal, Local and Miscellaneous Funds .....  |           | 27,716,674 |            |
| Total Department of Public Health   | 8,938,241 | 32,531,344 | 41,469,585 |
| Dept. of Public Health—Conditional .....  | 105,558   |            | 105,558    |

In addition to the above appropriation there is hereby appropriated \$3,00,000 to the State Health Department to be conditional upon the condition of the State General Fund and upon approval of the Governor.

Provided that all appropriations for Health Support Services Program in excess of \$7,158,466 shall be spent in the following manner:

a. This amount shall be distributed to the various County Boards of Health, in the same proportion as the ratio of the population of each county bears to the population of the entire State, according to the most recent data from the U. S. Department of Commerce, Bureau of the Census, for use in their general operations, provided, however, that the portion of this distribution for each county shall be reduced by any amount of unobligated funds in excess of one-quarter of the total expenditures for the previous fiscal year, which is on hand as of October 1, 1978.

b. Following the distribution of these funds in the foregoing manner, any remaining funds shall be distributed by the State Committee of Public Health to such County Boards of Health as the Committee shall determine are in need of emergency financial assistance. At the end of the fiscal year, any remaining funds shall revert to the General Fund.

c. The \$2,200,000 distributed to each County Board of Health under this provision or any portion thereof shall not be used to reduce existing local or State appropriations or distributions to said County Boards of Health.

#### 42. HEARING AID DEALERS, ALABAMA BOARD OF:

|   |        |
|---|--------|
| (a) Professional and Occupational<br>Licensing and Regulation Program ..... | 15,400 |
|---|--------|

#### SOURCE OF FUNDS:

|   |        |        |
|---|--------|--------|
| (1) Health—Hearing Aid Fund as<br>provided in Act No. 2425, 1971<br>Regular Session ..... | 15,400 |        |
| Total Alabama Board of Hearing<br>Aid Dealers .....                                       | 15,400 | 15,400 |

#### 32. HIGHWAY DEPARTMENT:

|   |            |
|---|------------|
| (a) Central Administration Program .....            | 6,899,685  |
| (b) Division and District Supervision Program ..... | 11,882,453 |
| (c) Operations and Support Services Program .....   | 4,646,290  |
| (d) Maintenance Program .....                       | 39,000,000 |

|   |             |
|---|-------------|
| (e) Non-Programmatic Expenditures ..... | 259,689,031 |
|---|-------------|

Proposed Spending Plan for the above (e) includes the following:

|                    |            |
|--------------------|------------|
| Debt Service ..... | 40,493,350 |
|--------------------|------------|

|                        |         |
|------------------------|---------|
| Equipment—Road Mach. . | 750,000 |
|------------------------|---------|

|                       |         |
|-----------------------|---------|
| Equipment—Other ..... | 550,000 |
|-----------------------|---------|

|                      |            |
|----------------------|------------|
| Federal Aid Matching | 38,005,038 |
|----------------------|------------|

For Construction of Feeder Roads and other portions of, or work in respect to, Federal Aid projects for which portions or work Federal Matching Funds are not available .....

|           |
|-----------|
| 3,000,000 |
|-----------|

|                                     |         |
|-------------------------------------|---------|
| Operations Land and Buildings ..... | 250,000 |
|-------------------------------------|---------|

|                                   |            |
|-----------------------------------|------------|
| Advanced Construction—Bonds ..... | 18,000,000 |
|-----------------------------------|------------|

|                          |           |
|--------------------------|-----------|
| State Construction ..... | 4,429,898 |
|--------------------------|-----------|

|                   |                    |
|-------------------|--------------------|
| Federal Aid ..... | 154,210,745        |
|                   | <u>259,689,031</u> |

|                                   |            |
|-----------------------------------|------------|
| (f) Captive Counties Program .... | 10,806,709 |
|-----------------------------------|------------|

|                                     |           |
|-------------------------------------|-----------|
| (g) State Const. (Conditional) .... | 3,500,000 |
|-------------------------------------|-----------|

|  |           |
|--|-----------|
| (h) Federal Aid Const.—State Funds (Conditional) ..... | 3,429,898 |
|--|-----------|

|   |           |
|---|-----------|
| (i) Advance Construction Interstate—State Funds (Conditional) | 2,000,000 |
|---|-----------|

|   |           |
|---|-----------|
| (j) Maintenance Program (Conditional) ..... | 2,000,000 |
|---|-----------|

|                                  |         |
|----------------------------------|---------|
| (k) Erect Saturn B1 Rocket ..... | 125,000 |
|----------------------------------|---------|

From Lodging Tax Fund

#### SOURCE OF FUNDS:

|                                 |             |
|---------------------------------|-------------|
| (1) Public Road and Bridge Fund | 138,906,714 |
|---------------------------------|-------------|

|                                |            |
|--------------------------------|------------|
| (2) Captive County Funds ..... | 10,806,709 |
|--------------------------------|------------|

|                                  |            |
|----------------------------------|------------|
| (3) Federal Revenue Sharing .... | 11,000,000 |
|----------------------------------|------------|

|                       |             |
|-----------------------|-------------|
| (4) Federal Aid ..... | 154,210,745 |
|-----------------------|-------------|

|                         |            |
|-------------------------|------------|
| (5) Bond Proceeds ..... | 18,000,000 |
|-------------------------|------------|

|   |           |
|---|-----------|
| (6) Public Road and Bridge Fund (Conditional) ..... | 2,500,000 |
|---|-----------|

|   |           |
|---|-----------|
| (7) Highway Finance Corp. Bonds (Conditional) ..... | 5,429,898 |
|---|-----------|

There is hereby appropriated, for payment of the principle of and the interest on all bonds hereto-

fore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, or Alabama Highway Finance Corporation, a total of \$40,493,350 or so much as may be necessary for payment of said principle and interest at their respective maturities, of the revenues pledged for such payment.

The Highway Director with the consent of the Governor and the Budget Office shall have the authority to transfer any appropriation or any portion thereof between and among subsections, (a) (b) (c) (d) (e) of this section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available.

In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable: In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:

- (1) the appropriations made for Debt Service in section (e) hereof shall be paid in full—
- (2) the appropriation from the revenues accruing to the State Highway Department that are herein made for the purpose referred to in Sections (a) (b) (c) (d) (e) except for Debt Service, hereof shall be allocated among the purposes referred to in said Sections in such order and with such priorities as the State Highway Director shall from time to time direct.

The funds appropriated in section (e) hereof, for the matching Federal funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purposes for which such appropriation was made.

In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available.

Not later than ninety (90) days following the end of each fiscal year for which appropriations are made herein, the State Highway Director shall transmit to the Governor, Lieutenant Governor, and each member of the Legislature, a report stating the portions of each appropriation made herein that have been spent in each county in the State during the fiscal year then ended.

|   |           |             |             |
|---|-----------|-------------|-------------|
| (8) Transfer from Lodging Tax Fund .....  |           | 125,000     |             |
| (9) State General Fund (Conditional) .....  | 3,000,000 |             |             |
| (The above appropriation is conditional upon the condition of the State General Fund and the approval of the Governor.) |           |             |             |
| TOTAL HIGHWAY DEPARTMENT .....  | -0-       | 333,049,168 | 333,049,168 |
| HIGHWAY DEPARTMENT—CONDITIONAL .....  | 3,000,000 | 7,929,898   | 10,929,898  |

#### 44. HIGHWAY AND TRAFFIC SAFETY, OFFICE OF:

|   |  |           |  |
|---|--|-----------|--|
| (a) Traffic Control and Accident Prevention Element ..... |  | 2,788,000 |  |
|---|--|-----------|--|

##### SOURCE OF FUNDS:

|  |        |                  |           |
|--|--------|------------------|-----------|
| (1) State General Fund .....                     | 88,000 |                  |           |
| (2) Federal, Local and Miscellaneous Funds ..... |        | <u>2,700,000</u> |           |
| Total Office of Highway and Traffic Safety ..... | 88,000 | 2,700,000        | 2,788,000 |

#### 45. HISTORIC CHATTAHOOCHEE COMMISSION:

|   |  |        |  |
|---|--|--------|--|
| (a) Historical Resources Management Program ..... |  | 79,000 |  |
|---|--|--------|--|

##### SOURCE OF FUNDS:

|   |               |                    |             |
|---|---------------|--------------------|-------------|
| (1) State General Fund Transfer .   | <u>79,000</u> |                    |             |
| Total Historic Chattahoochee Commission .....   | 79,000        |                    | 79,000      |
| 46. ALABAMA HISTORICAL COMMISSION:  |               |                    |             |
| (a) Historical Resources Management Program .....   |               |                    | 911,480     |
| SOURCE OF FUNDS:  |               |                    |             |
| (1) State General Fund Transfer   | 190,000       |                    |             |
| (2) Federal, Local and Miscellaneous Funds .....  |               | <u>721,480</u>     |             |
| Total Alabama Historical Commission .....   | 190,000       | 721,480            | 911,480     |
| Of the above appropriation \$15,000 shall be used for Live in a Landmark, and \$5,000 for the Oral History Program. |               |                    |             |
| 47. DEPARTMENT OF INDUSTRIAL RELATIONS:   |               |                    |             |
| (a) Manpower Development and Employment Opportunity Program .....   |               |                    | 68,337,073  |
| (b) Unemployment Compensation Program .....   |               |                    | 157,590,194 |
| (c) Administrative Services Program .....   |               |                    | 2,126,699   |
| (d) Industrial Safety & Accident Prevention Program .....   |               |                    | 1,499,573   |
| SOURCE OF FUNDS:  |               |                    |             |
| (1) State General Fund .....  | 649,000       |                    |             |
| (2) Federal, Local & Misc. Funds  |               | <u>228,904,539</u> |             |
| Total Department of Industrial Relations .....  | 649,000       | 228,904,539        | 229,553,539 |
| 48. STATE EMPLOYEES' INSURANCE BOARD:   |               |                    |             |
| (a) Administrative Support Services Program .....   |               |                    | 62,000      |
| SOURCE OF FUNDS:  |               |                    |             |
| (1) State General Fund .....  | <u>62,000</u> |                    |             |
| Total State Employees' Insurance Board .....  | 62,000        |                    | 62,000      |
| 49. DEPARTMENT OF INSURANCE:  |               |                    |             |
| (a) Regulatory Services Program .   |               |                    | 1,696,301   |

## SOURCE OF FUNDS:

|   |         |                |           |
|---|---------|----------------|-----------|
| (1) State General Fund . . . . .  | 800,000 |                |           |
| (2) State Insurance Fund as provided in Title 27, Chapter 2, Section 25, Code of Alabama 1975 .   |         | 767,315        |           |
| (3) Fire Marshals' Fund as provided in Act No. 1938, 1971 Regular Session, as amended. Any balance in excess of \$50,000 at the end of the fiscal year shall be transferred to the State General Fund . . . . . |         | <u>128,986</u> |           |
| Total Department of Insurance . . .   | 800,000 | 896,301        | 1,696,301 |

## 50. DEPARTMENT OF LABOR:

|                                   |  |  |         |
|-----------------------------------|--|--|---------|
| (a) Regulatory Services Program . |  |  | 246,286 |
|-----------------------------------|--|--|---------|

## SOURCE OF FUNDS:

|  |         |               |         |
|--|---------|---------------|---------|
| (1) State General Fund . . . . .                   | 200,000 |               |         |
| (2) Federal, Local & Miscellaneous Funds . . . . . |         | <u>46,286</u> |         |
| Total Department of Labor . . . . .                | 200,000 | 46,286        | 246,286 |

## 51. LaGRANGE HISTORICAL COMMISSION:

|   |  |  |       |
|---|--|--|-------|
| (a) Historical Resources Management Program . . . . . |  |  | 4,608 |
|---|--|--|-------|

## SOURCE OF FUNDS:

|  |       |              |       |
|--|-------|--------------|-------|
| (1) State General Fund—as authorized by Act No. 551, 1943 Acts, page 540 . . . . . | 2,500 |              |       |
| (2) Federal, Local & Miscellaneous Funds . . . . .                                 |       | <u>2,108</u> |       |
| Total LaGrange Historical Commission . . . . .                                     | 2,500 | 2,108        | 4,608 |

## 52. BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS:

|  |  |  |       |
|--|--|--|-------|
| (a) Professional and Occupational Licensing and Regulation Program . . . . . |  |  | 5,300 |
|--|--|--|-------|

## SOURCE OF FUNDS:

|  |  |              |       |
|--|--|--------------|-------|
| (1) Landscape Architects Funds . .                         |  | <u>5,300</u> |       |
| Total Board of Examiners of Landscape Architects . . . . . |  | 5,300        | 5,300 |

## 53. LAW ENFORCEMENT FUND:

|   |  |  |        |
|---|--|--|--------|
| (a) Special Police Services Program . . . . . |  |  | 10,000 |
|---|--|--|--------|

## SOURCE OF FUNDS:

|                                 |        |  |        |
|---------------------------------|--------|--|--------|
| (1) State General Fund .....    | 10,000 |  |        |
| Total Law Enforcement Fund .... | 10,000 |  | 10,000 |

## 54. ALABAMA LAW ENFORCEMENT PLANNING AGENCY:

|  |  |  |           |
|--|--|--|-----------|
| (a) Law Enforcement Planning and Development Program ..... |  |  | 9,695,904 |
|--|--|--|-----------|

## SOURCE OF FUNDS:

|   |         |           |           |
|---|---------|-----------|-----------|
| (1) State General Fund—for Matching Federal Funds ..... | 550,000 |           |           |
| (2) Federal, Local and Miscellaneous Funds .....        |         | 9,145,904 |           |
| Total Law Enforcement Planning Agency .....             | 550,000 | 9,145,904 | 9,695,904 |

## 55. GAS BOARD, LIQUEFIED PETROLEUM:

|                                   |  |  |        |
|-----------------------------------|--|--|--------|
| (a) Regulatory Services Program . |  |  | 98,000 |
|-----------------------------------|--|--|--------|

## SOURCE OF FUNDS:

|   |  |        |        |
|---|--|--------|--------|
| (1) L.P. Gas Board Fund .....             |  | 98,000 |        |
| Total Liquefied Petroleum Gas Board ..... |  | 98,000 | 98,000 |

## 56. MEDICAL SERVICES ADMINISTRATION:

|   |  |  |             |
|---|--|--|-------------|
| (a) Medical Assistance through Medicaid Program ..... |  |  | 232,724,148 |
|---|--|--|-------------|

## SOURCE OF FUNDS:

|  |            |             |             |
|--|------------|-------------|-------------|
| (1) State General Fund .....                     | 57,500,000 |             |             |
| (2) Federal, Local and Miscellaneous Funds ..... |            | 175,224,148 |             |
| Total Medicaid Services Administration .....     | 57,500,000 | 175,224,148 | 232,724,148 |

## 57. DEPARTMENT OF MENTAL HEALTH:

|   |  |  |            |
|---|--|--|------------|
| (a) Institutional Treatment and Care—Mental Illness Program .         |  |  | 46,185,388 |
| (b) Institutional Treatment and Care—Mental Retardation Program ..... |  |  | 38,053,548 |
| (c) Non-Institutional Treatment and Care Program .....                |  |  | 19,749,038 |
| (d) Administrative Services Program .....                             |  |  | 3,720,595  |



## SOURCE OF FUNDS:

|   |                   |             |
|---|-------------------|-------------|
| (1) Special Mental Health Fund—<br>for operation and maintenance of<br>the State Mental Health De-<br>partment including the purchase<br>of drugs to medically indigent<br>mental patients not hospitalized<br>at time of receiving drugs at the<br>Alabama State Hospitals ..... | 60,717,711        |             |
| (2) Special Mental Health<br>Fund—Community Program ...   | 7,335,828         |             |
| (3) Transfer from ABC Profits ...   | 1,000,000         |             |
| (4) Cigarette Taxes .....   | 5,346,000         |             |
| (5) Federal, Local and Miscellane-<br>ous Funds .....   | 16,909,030        |             |
| (6) Federal Revenue Sharing ....  | <u>16,400,000</u> |             |
| Total Department of Mental<br>Health .....  | 107,708,569       | 107,708,569 |

In addition to the above appropria-  
tion there is hereby appropriated  
\$350,000 to the Department of  
Mental Health to be conditional  
upon the condition of the State  
Mental Health Fund and upon  
approval of the Governor.

58. A—MILITARY DEPART-  
MENT:

|                                   |           |
|-----------------------------------|-----------|
| (a) Military Operations Program . | 2,893,020 |
| (b) Capital Outlay .....          | 546,980   |

## SOURCE OF FUNDS:

|   |         |
|---|---------|
| (1) State General Fund—Transfer<br>Capital Outlay for the Armories<br>at Ashland, Winfield,<br>Huntsville, Jasper, and Sub-<br>Surface Soil Investigation .....     | 507,500 |
| (2) State General Fund Transfer<br>for Architect and Engineering<br>Services and Specifications for<br>the Armories at Arab, Atmore,<br>Eufaula and Ft. Payne ..... | 39,480  |
| (3) State General Fund—Oper-<br>ations .....  | 764,894 |
| (4) State General Fund—Quar-<br>terly Allowances Headquar-<br>ters—Regular Allowance Units<br>to be used solely for operating ex-<br>penses; provided, that no more |         |

|   |           |           |
|---|-----------|-----------|
| than \$4,500 shall be allotted in any fiscal year for the Headquarters Alabama National Guard . .   | 622,350   |           |
| (5) State General Fund—Active Military Service .....  | 88,766    |           |
| (6) State General Fund—For transfer to Armory Commission  | 1,417,010 |           |
| Total Military Department .....   | 3,440,000 | 3,440,000 |
| 58. B—ARMORY COMMISSION OF ALABAMA:   |           |           |
| (a) Military Operations Program .   |           | 2,021,318 |
| SOURCE OF FUNDS:  |           |           |
| (1) Transfer from Military Department .....   | 1,417,010 |           |
| (2) Federal, Local and Miscellaneous Funds .....  | 604,308   |           |
| The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance, and construction of armories. Provided, however, that the last Federal Government service contract reimbursement shall not revert to the State General Fund. Any surplus remaining in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000 shall be transferred to the State General Fund. |           |           |
| Total Armory Commission of Alabama .....  | 2,021,318 | 2,021,318 |
| 59. BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS:  |           |           |
| (a) Professional and Occupational Licensing and Regulation Program .....  |           | 11,000    |
| SOURCE OF FUNDS:  |           |           |
| (1) Nursing Home Administration Fund .....  | 11,000    |           |
| Total Board of Examiners of Nursing Home Administrators .....   | 11,000    | 11,000    |

## 60. OIL AND GAS BOARD:

|  |         |
|--|---------|
| (a) Management and Regulation of Oil and Gas Exploration and Development Program ..... | 746,000 |
|--|---------|

## SOURCE OF FUNDS:

|                               |         |         |
|-------------------------------|---------|---------|
| (1) State General Fund .....  | 746,000 |         |
| Total Oil and Gas Board ..... | 746,000 | 746,000 |

## 61. BOARD OF PARDONS AND PAROLES:

|   |           |
|---|-----------|
| (a) Administration of Pardons and Paroles Program ..... | 3,457,580 |
|---|-----------|

## SOURCE OF FUNDS:

|  |           |           |           |
|--|-----------|-----------|-----------|
| (1) State General Fund .....                     | 2,303,000 |           |           |
| (2) Federal, Local and Miscellaneous Funds ..... |           | 1,154,580 |           |
| Total Board of Pardons and Paroles               | 2,203,000 | 1,154,580 | 3,457,580 |

## 62. ALABAMA PEACE OFFICERS' ANNUITY AND BENEFIT FUND:

|                                |           |
|--------------------------------|-----------|
| (a) Retirement Systems Program | 1,779,700 |
|--------------------------------|-----------|

## SOURCE OF FUNDS:

|  |           |           |
|--|-----------|-----------|
| (1) Peace Officers' Annuity and Benefit Fund as provided in Act No. 1210, 1971 Regular Session | 1,779,700 |           |
| Total Alabama Peace Officers' Annuity and Benefit Fund .....                                   | 1,779,700 | 1,779,700 |

## 63. PENSIONS:

- (a) Social Services Program—for Confederate Veterans and their widows:

Such an amount as may be necessary to pay all the pensions allowed to Confederate soldiers and sailors and their widows.

## SOURCE OF FUNDS:

- (1) Proceeds from the levy of the one mill tax as provided by Title 40, Chapter 8, Section 361, Code of Alabama, 1975.

## 64. PENSIONS AND SECURITIES:

|                                   |             |
|-----------------------------------|-------------|
| (a) Financial Assistance Program  | 107,541,035 |
| (b) Social Services Program ..... | 76,050,347  |
| (c) Food Assistance Program ..... | 11,884,857  |

|   |  |           |
|---|--|-----------|
| (d) Child Support Enforcement Program ..... |  | 4,601,677 |
|---|--|-----------|

## SOURCE OF FUNDS:

|  |             |             |
|--|-------------|-------------|
| (1) Federal, Local and Miscellaneous Funds ..... | 149,588,419 |             |
| (2) Liquor License Tax .....                     | 1,319,552   |             |
| (3) ABC Profits .....                            | 2,023,551   |             |
| (4) Whiskey Tax .....                            | 17,241,387  |             |
| (5) Beer Tax .....                               | 8,543,712   |             |
| (6) Pensions Residue .....                       | 6,953,797   |             |
| (7) Sales Tax .....                              | 1,322,000   |             |
| (8) Franchise Tax .....                          | 7,412,361   |             |
| (9) Cigarette Tax .....                          | 4,252,993   |             |
| (10) Contractor's Gross Receipts Tax .....       | 1,409,644   |             |
| (11) Pension Fund .....                          | 10,500      |             |
| Total Pensions and Security .....                | 200,077,916 | 200,077,916 |

It is provided that not more than four thousand (4,000) employees shall be paid from the above appropriation.

In addition to the above appropriation there is hereby appropriated \$5,000,000 to the Department of Pensions and Security to be conditional upon the condition of the State General Fund and upon the approval of the Governor.

## 65. STATE PERSONNEL DEPARTMENT:

|  |           |
|--|-----------|
| (a) Administrative Support Program ..... | 1,350,056 |
|--|-----------|

## SOURCE OF FUNDS:

|  |         |
|--|---------|
| (1) State General Fund Transfer .                        | 125,000 |
| (2) Federal, Local and Miscellaneous Funds .....         | 255,000 |
| (3) Transfer from Agriculture and Industries .....       | 20,162  |
| (4) Transfer from Alcoholic Beverage Control Board ..... | 64,970  |
| (5) Transfer from Conservation Department .....          | 30,244  |
| (6) Transfer from Board of Corrections .....             | 38,086  |

|  |         |           |           |
|--|---------|-----------|-----------|
| (7) Transfer from State Docks . . .  |         | 6,722     |           |
| (8) Transfer from Education . . . . .  |         | 43,687    |           |
| (9) Transfer from Forestry Commission . . . . .                              |         | 21,281    |           |
| (10) Transfer from Highway Department . . . . .                              |         | 219,552   |           |
| (11) Transfer from Industrial Relations . . . . .                            |         | 62,730    |           |
| (12) Transfer from Department of Mental Health . . . . .                     |         | 230,752   |           |
| (13) Transfer from Pensions and Security . . . . .                           |         | 188,186   |           |
| (14) Transfer from Revenue Department . . . . .                              |         | 43,686    |           |
| Total State Personnel Department   | 125,000 | 1,225,056 | 1,350,056 |
| 66. BOARD OF PHYSICAL THERAPY:   |         |           |           |
| (a) Professional and Occupational Licensing and Regulation Program . . . . . |         |           | 14,200    |
| SOURCE OF FUNDS:   |         |           |           |
| (1) Physical Therapist Fund . . . . .  |         | 14,200    |           |
| Total Board of Physical Therapy .  |         | 14,200    | 14,200    |
| 67. PREVAILING WAGE COMMISSION:  |         |           |           |
| (a) Regulatory Services Program .  |         |           | 18,000    |
| SOURCE OF FUNDS:   |         |           |           |
| (1) State General Fund . . . . .   | 18,000  |           |           |
| Total Prevailing Wage Commission . . . . .                                   | 18,000  |           | 18,000    |
| 68. OFFICE OF PROSECUTION SERVICES:  |         |           |           |
| (a) Prosecution, Training, Education and Management Program .                |         |           | 140,600   |
| SOURCE OF FUNDS:   |         |           |           |
| (1) Federal, Local and Miscellaneous Funds . . . . .                         |         | 140,600   |           |
| Total Prosecution Services . . . . .   |         | 140,600   | 140,600   |
| 69. ALABAMA BOARD OF EXAMINERS IN PSYCHOLOGY:                                |         |           |           |
| (a) Professional and Occupational Licensing and Regulation Program . . . . . |         |           | 10,200    |

## SOURCE OF FUNDS:

|   |        |        |
|---|--------|--------|
| (1) Board of Examiners of Psychology Fund ..... | 10,200 |        |
| Total Board of Examiners in Psychology .....    | 10,200 | 10,200 |

## 70. DEPARTMENT OF PUBLIC SAFETY:

|  |            |
|--|------------|
| (a) Traffic Control and Accident Prevention Program .....  | 11,270,936 |
| (b) Criminal Investigation Program .....                   | 1,402,416  |
| (c) Public Safety Support Service Program .....            | 5,311,715  |
| (d) Special Police Services Program .....                  | 345,054    |
| (e) Administrative Services Program .....                  | 1,453,540  |
| (f) Alabama Criminal Justice Training Center Program ..... | 1,680,339  |

## SOURCE OF FUNDS:

|                                   |            |            |
|-----------------------------------|------------|------------|
| (1) State General Fund .....      | 21,464,000 |            |
| Total Department of Public Safety | 21,464,000 | 21,464,000 |

In addition to the above appropriation there is hereby appropriated \$300,000 to be conditional upon the condition of the State General Fund and upon the approval of the Governor.

## 71. PUBLIC SERVICE COMMISSION:

|   |           |
|---|-----------|
| (a) Regulatory Services Program .         | 1,795,683 |
| (b) Administrative Services Program ..... | 704,317   |

## SOURCE OF FUNDS:

|  |           |
|--|-----------|
| (1) Public Service Commission Fund ..... | 2,500,000 |
|--|-----------|

The above appropriations to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities and transportation companies and such

parts or percentage of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission at the end of the fiscal year in excess of \$300,000 shall be transferred to the State General Fund.

|                                   |           |           |
|-----------------------------------|-----------|-----------|
| Total Public Service Commission . | 2,500,000 | 2,500,000 |
|-----------------------------------|-----------|-----------|

**72. BUREAU OF PUBLICITY AND INFORMATION:**

|  |           |
|--|-----------|
| (a) Tourism and Travel Promotion Program ..... | 1,622,687 |
|--|-----------|

**SOURCE OF FUNDS:**

|  |                  |  |
|--|------------------|--|
| (1) State General Fund .....   | 500,000          |  |
| (2) Lodging Tax (1¢)—receipts collected under the provisions of Act No. 269, 1963 Regular Session. | <u>1,122,687</u> |  |

|   |         |           |           |
|---|---------|-----------|-----------|
| Total Bureau of Publicity and Information ..... | 500,000 | 1,122,687 | 1,622,687 |
|---|---------|-----------|-----------|

**73. ALABAMA REAL ESTATE COMMISSION:**

|  |         |
|--|---------|
| (a) Professional and Occupational Licensing and Regulation Program ..... | 450,000 |
|--|---------|

**SOURCE OF FUNDS:**

|   |                |
|---|----------------|
| (1) Alabama Real Estate Commission Fund—as provided in Title 34, Chapter 27, Code of Alabama 1975, as amended, and the total expenditures shall in no manner exceed the amounts hereby appropriated ..... | <u>450,000</u> |
|---|----------------|

|                                  |         |         |
|----------------------------------|---------|---------|
| Total Real Estate Commission ... | 450,000 | 450,000 |
|----------------------------------|---------|---------|

**74. EMPLOYEES' RETIREMENT SYSTEM OF ALABAMA (GENERAL FUND'S PART):**

|  |           |
|--|-----------|
| (a) Retirement System Program, Estimated | 7,000,000 |
|--|-----------|

**SOURCE OF FUNDS:**

|                                   |                  |
|-----------------------------------|------------------|
| (1) State General Fund, Estimated | <u>7,000,000</u> |
|-----------------------------------|------------------|

|   |           |           |
|---|-----------|-----------|
| Total Employees' Retirement System of Alabama (General Fund's Part) ..... | 7,000,000 | 7,000,000 |
|---|-----------|-----------|

## 75. REVENUE DEPARTMENT:

|  |            |
|--|------------|
| (a) State Revenue Administration Program ..... | 16,902,284 |
|--|------------|

## SOURCE OF FUNDS:

|  |           |
|--|-----------|
| (1) State General Fund .....   | 250,000   |
| Appropriated by Act No. 160, 3rd Special Session 1971, to maintain a program for the equalization of ad valorem tax assessments. |           |
| (2) Transfer from the gross proceeds of Financial Institution Excise Tax Collections .....                                       | 177,584   |
| (3) Transfer from the gross proceeds of the Forest Severance Tax Collections .....   | 180,646   |
| (4) Transfer from the gross proceeds of Gasoline Tax Collections .....   | 1,184,917 |
| (5) Transfer from the Income Tax Collections .....   | 3,934,416 |
| (6) Transfer from the gross proceeds of Motor Fuel Tax Collections .....   | 684,313   |
| (7) Transfer from the gross proceeds of Motor Vehicle License Collections .....  | 691,969   |
| (8) Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax .....                         | 211,264   |
| (9) Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax .....                   | 522,037   |
| (10) Transfer from the gross proceeds of Sales Tax Collections ..  | 5,474,502 |
| (11) Transfer from the gross proceeds of the Tobacco Tax Collections .....   | 1,128,274 |
| (12) Transfer from the gross proceeds of Use Tax Collections ...   | 538,877   |
| (13) Transfer from the gross proceeds of Cigarette Tax Collections, Act No. 275, 1967 Regular Session .....                      | 228,105   |
| (14) Transfer from the gross proceeds of the Utility Tax Collections as provided in Act No. 37, 1969 Special Session .....       | 352,108   |



|   |  |           |  |
|---|--|-----------|--|
| (15) Federal, Local and Miscellaneous Funds ..... |  | 1,343,272 |  |
|---|--|-----------|--|

The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collection of the taxes as authorized by law.

Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated, to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislation as a charge for the collection of taxes or licenses.

|                                |         |            |            |
|--------------------------------|---------|------------|------------|
| Total Revenue Department ..... | 250,000 | 16,652,284 | 16,902,284 |
|--------------------------------|---------|------------|------------|

#### 76. REVENUE—AUTO TITLE AND ANTITHEFT:

|  |  |  |           |
|--|--|--|-----------|
| (a) State Revenue Administration Program ..... |  |  | 1,000,000 |
|--|--|--|-----------|

##### SOURCE OF FUNDS:

|                                   |                  |  |  |
|-----------------------------------|------------------|--|--|
| (1) State General Fund Transfer . | <u>1,000,000</u> |  |  |
|-----------------------------------|------------------|--|--|

|  |           |  |           |
|--|-----------|--|-----------|
| Total Revenue—Auto Title and Antitheft ..... | 1,000,000 |  | 1,000,000 |
|--|-----------|--|-----------|

#### 77. REVENUE—BOARDS OF EQUALIZATION:

|  |  |  |         |
|--|--|--|---------|
| (a) State Revenue Administration Program ..... |  |  | 160,000 |
|--|--|--|---------|

##### SOURCE OF FUNDS:

|                              |                |  |  |
|------------------------------|----------------|--|--|
| (1) State General Fund ..... | <u>160,000</u> |  |  |
|------------------------------|----------------|--|--|

|  |         |  |         |
|--|---------|--|---------|
| Total Revenue—Boards of Equalization ..... | 160,000 |  | 160,000 |
|--|---------|--|---------|

#### 78. REVENUE—MOTOR VEHICLE LICENSE:

|  |  |  |           |
|--|--|--|-----------|
| (a) State Revenue Administration Program ..... |  |  | 2,019,000 |
|--|--|--|-----------|

##### SOURCE OF FUNDS:

|   |  |                  |  |
|---|--|------------------|--|
| (1) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags . |  | <u>2,019,000</u> |  |
|---|--|------------------|--|

|  |                |           |
|--|----------------|-----------|
| Total Revenue—Motor Vehicle License .....  | 2,019,000      | 2,019,000 |
| 79. RICHMOND P. HOBSON MEMORIAL BOARD:   |                |           |
| (a) Historical Resource Management Program .....   |                | 10,359    |
| SOURCE OF FUNDS:   |                |           |
| (1) State General Fund—to provide the appropriation authorized by Act No. 536, 1943 Acts, page 510, and an additional amount ..... | 8,500          |           |
| (2) Richmond Pearson Hobson Operating Fund .....   | <u>1,859</u>   |           |
| Total Richmond Pearson Hobson Memorial Board .....   | 8,500          | 1,859     |
| 80. BOARD OF REGISTRATION FOR SANITARIANS:   |                |           |
| (a) Professional and Occupational Licensing and Regulation Program .....   |                | 3,700     |
| SOURCE OF FUNDS:   |                |           |
| (1) Registration Board of Sanitarians Funds—as provided in Act No. 209, 1964 Second Special Session .....                          | <u>3,700</u>   |           |
| Total Board of Registration for Sanitarians .....  | 3,700          | 3,700     |
| 81. SECRETARY OF STATE:  |                |           |
| (a) Administrative Support Services Program .....  |                | 290,000   |
| SOURCE OF FUNDS:   |                |           |
| (1) Total General Fund .....   | <u>290,000</u> |           |
| Total Secretary of State .....   | 290,000        | 290,000   |
| 82. SECURITIES COMMISSION:   |                |           |
| (a) Regulatory Services Program .....  |                | 323,131   |
| SOURCE OF FUNDS:   |                |           |
| (1) State General Fund .....   | 250,000        |           |
| (2) Federal, Local and Miscellaneous Funds .....   |                | 57,131    |
| (3) Sales of Checks License Fund .....   |                | 6,000     |
| (4) Exemption Fund .....   | <u>10,000</u>  |           |
| Total Securities Commission .....  | 250,000        | 73,131    |
|  |                | 323,131   |

## 83. SOCIAL SECURITY AGENCY:

|   |  |  |         |
|---|--|--|---------|
| (a) Administrative Support Services Program ..... |  |  | 216,495 |
|---|--|--|---------|

## SOURCE OF FUNDS:

|  |         |        |         |
|--|---------|--------|---------|
| (1) State General Fund .....                     | 200,000 |        |         |
| (2) Federal, Local and Miscellaneous Funds ..... |         | 16,495 |         |
| Total Social Security Agency .....               | 200,000 | 16,495 | 216,495 |

## 85. ALABAMA STATE SOIL AND WATER CONSERVATION COMMITTEE:

|  |  |  |         |
|--|--|--|---------|
| (a) Water Resource Development Program ..... |  |  | 407,000 |
|--|--|--|---------|

## SOURCE OF FUNDS:

|   |         |  |         |
|---|---------|--|---------|
| (1) State General Fund .....                                    | 407,000 |  |         |
| Total Alabama State Soil and Water Conservation Committee ..... | 407,000 |  | 407,000 |

## 86. ALABAMA BOARD OF EXAMINERS FOR SPEECH PATHOLOGY AND AUDIOLOGY:

|  |  |  |       |
|--|--|--|-------|
| (a) Professional and Occupational Licensing and Regulation Program ..... |  |  | 5,400 |
|--|--|--|-------|

## SOURCE OF FUNDS:

|   |  |       |       |
|---|--|-------|-------|
| (1) Alabama Board of Examiners for Speech Pathology and Audiology Fund—as provided in Act 90, 4th Special Session, 1975 ... |  | 5,400 |       |
| Total Alabama Board of Examiners for Speech and Audiology .....   |  | 5,400 | 5,400 |

## 87. SURFACE MINING RECLAMATION COMMISSION:

|   |  |  |         |
|---|--|--|---------|
| (a) Industrial Safety and Accident Prevention Program ..... |  |  | 637,694 |
|---|--|--|---------|

## SOURCE OF FUNDS:

|   |  |         |  |
|---|--|---------|--|
| (1) Surface Mining Reclamation Commission Fund, as provided for by Act 551, 1975 Regular Session. All fees and charges, grants, gifts, fines, bond forfeitures, or other such monies received under the above act, in addition to the appropriation herein made, are appropriated to the Surface Mining Reclamation Commission .. |  | 512,694 |  |
|---|--|---------|--|

|   |                |                |           |
|---|----------------|----------------|-----------|
| (2) State General Fund .....  | <u>125,000</u> |                |           |
| Total Surface Mining Reclamation Commission .....   | 125,000        | 512,694        | 637,694   |
| (3) Provided, however, that should any funds be reimbursed to the State under Public Law 95-87, the first \$125,000 of such reimbursement received after September 30, 1978 shall be immediately transferred to the State General Fund. |                |                |           |
| 88. TANNEHILL FURNACE AND FOUNDRY COMMISSION:   |                |                |           |
| (a) Historical Resources Management Program .....   |                |                | 427,050   |
| SOURCE OF FUNDS:  |                |                |           |
| (1) State General Fund .....  | 25,000         |                |           |
| (2) Federal, Local and Miscellaneous Funds .....  |                | <u>402,050</u> |           |
| Total Tannehill Furnace and Foundry Commission .....  | 25,000         | 402,050        | 427,050   |
| 89. TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT AUTHORITY:   |                |                |           |
| (a) Water Resource Development Program .....  |                |                | 406,786   |
| SOURCE OF FUNDS:  |                |                |           |
| (1) State General Fund—as provided in Act No. 355, 1957 Regular Session .....   | 150,000        |                |           |
| (2) Federal, Local and Miscellaneous Funds .....  |                | <u>256,786</u> |           |
| Total Tennessee-Tombigbee Waterway Development Authority .....  | 150,000        | 256,786        | 406,786   |
| 90. DEPARTMENT OF TOXICOLOGY AND CRIMINAL INVESTIGATION:  |                |                |           |
| (a) Forensic Science Service Program .....  |                |                | 1,520,000 |
| SOURCE OF FUNDS:  |                |                |           |
| (1) State General Fund .....  | 1,420,000      |                |           |
| (2) Federal, Local and Miscellaneous Funds .....  |                | <u>100,000</u> |           |

|  |           |         |           |
|--|-----------|---------|-----------|
| Total Department of Toxicology and Criminal Investigation ....                                       | 1,420,000 | 100,000 | 1,520,000 |
| 91. STATE TREASURER:   |           |         |           |
| (a) Fiscal Management Program .  |           |         | 700,000   |
| SOURCE OF FUNDS:   |           |         |           |
| (1) State General Fund .....   | 700,000   |         |           |
| Total State Treasurer .....  | 700,000   |         | 700,000   |
| 92. COMMISSION ON UNIFORM STATE LAWS:  |           |         |           |
| (a) Special Services Program ....  |           |         | 5,000     |
| SOURCE OF FUNDS:   |           |         |           |
| State General Fund—total amount appropriated by Act No. 926, Acts 1951, page 1575 .....              | 5,000     |         |           |
| Total Commission on Uniform State Laws .....   | 5,000     |         | 5,000     |
| 93. DEPARTMENT OF VETERANS AFFAIRS:  |           |         |           |
| (a) Administration of Veterans Affairs Program .....   |           |         | 1,250,000 |
| SOURCE OF FUNDS:   |           |         |           |
| (1) State General Fund .....   | 1,250,000 |         |           |
| Total Department of Veterans Affairs .....   | 1,250,000 |         | 1,250,000 |
| 94. ALABAMA STATE BOARD OF VETERINARY MEDICAL EXAMINERS:   |           |         |           |
| (a) Professional and Occupational Licensing and Regulation Program .....                             |           |         | 11,500    |
| SOURCE OF FUNDS:   |           |         |           |
| (1) Veterinary Medical Examiners Fund—as provided in Act No. 945, approved Septemeber 13, 1951 ..... |           | 11,500  |           |
| Total Alabama State Board of Veterinary Medical Examiners ....                                       |           | 11,500  | 11,500    |
| 95. BOARD OF CERTIFICATION FOR WATER AND WASTE WATER SYSTEMS PERSONNEL:                              |           |         |           |
| (a) Professional and Occupational Licensing and Regulation Program .....                             |           |         | 4,800     |

## SOURCE OF FUNDS:

(1) Operators Certification Fund  
as provided in Act No. 1594, 1971  
Regular Session .....

4,800

Total Board of Certification for  
Water and Waste Water Systems  
Personnel .....

4,800

4,800

96. ALABAMA WATER WELL  
STANDARDS BOARD:

(a) Professional and Occupational  
Licensing and Regulation Pro-  
gram .....

57,600

## SOURCE OF FUNDS:

(1) Water Well Standards Board  
Fund—as provided in Act No.  
1516, 1971 Regular Session ....

57,600

Total Alabama Water Well Stan-  
dards Board .....

57,600

57,600

97. ALABAMA WOMEN'S  
COMMISSION:

(a) Employment and Social Oppor-  
tunities Program .....

12,000

## SOURCE OF FUNDS:

(1) State General Fund .....

12,000

Total Alabama Women's Commis-  
sion .....

12,000

12,000

IV. SPECIAL APPROPRIA-  
TIONS:

A OTHER FUNCTIONS OF  
GOVERNMENT FUNDED  
FROM THE GENERAL FUND:

1. ADVERTISING LANDS FOR  
TAX SALE:

(a) State Revenue Administration  
Program, Estimated .....

14,000

## SOURCE OF FUNDS:

(1) State General Fund .....

14,000

Total Advertising Lands for Sale .

14,000

14,000

2. ALABAMA COASTAL AREA  
BOARD:

(a) Coastal Area Management  
Program .....

30,000

## SOURCE OF FUNDS:

(1) State General Fund .....

30,000

|   |         |         |
|---|---------|---------|
| Total Alabama Coastal Area Board  | 30,000  | 30,000  |
| <b>3. ARREST OF ABSCONDING FELONS:</b>  |         |         |
| (a) Criminal Investigation Program, Estimated .....                                 |         | 8,000   |
| <b>SOURCE OF FUNDS:</b>   |         |         |
| (1) State General Fund .....  | 8,000   |         |
| Total Arrest of Absconding Felons   | 8,000   | 8,000   |
| <b>4. AUTOMATIC APPEAL EXPENSE:</b>   |         |         |
| (a) Legal Advice and Legal Service Program, Estimated .....                         |         | 3,000   |
| <b>SOURCE OF FUNDS:</b>   |         |         |
| (1) State General Fund—as provided in 1943 Acts of Legislature, page 217 .....      | 3,000   |         |
| Total Automatic Appeal Expense .  | 3,000   | 3,000   |
| <b>5. CIVIL COURT COSTS IN CONNECTION WITH AD VALOREM TAX ASSESSMENTS APPEALS:</b>  |         |         |
| (a) State Revenue Administration Program, Estimated .....                           |         | 200     |
| <b>SOURCE OF FUNDS:</b>   |         |         |
| (1) State General Fund .....  | 200     |         |
| Total Civil Court Costs in Connection with Ad Valorem Tax Assessments Appeals ..... | 200     | 200     |
| <b>6. CONSUMER UTILITY RATE HEARING:</b>  |         |         |
| (a) Executive Direction Program .   |         | 250,000 |
| <b>SOURCE OF FUNDS:</b>   |         |         |
| (1) State General Fund as provided in Act No. 44, First Special Session, 1977 ..... | 250,000 |         |
| Total Consumer Utility Rate Hearing .....   | 250,000 | 250,000 |
| <b>7. COUNCIL OF STATE GOVERNMENTS:</b>   |         |         |
| (a) Legislative Operations and Support Program .....                                |         | 38,610  |
| <b>SOURCE OF FUNDS:</b>   |         |         |
| (1) State General Fund .....  | 38,610  |         |

|  |                |         |
|--|----------------|---------|
| Total Council of State Governments .....                         | 38,610         | 38,610  |
| 8. COURT COSTS—ACT NO. 558, 1957:                                |                |         |
| (a) Court Operations Program, Estimated .....                    |                | 240,000 |
| SOURCE OF FUNDS:   |                |         |
| (1) State General Fund pursuant to Act No. 558, 1957, page 777 . | <u>240,000</u> |         |
| Total Court Costs—Act No. 558, 1957 .....                        | 240,000        | 240,000 |
| 9. COURT COSTS NOT OTHERWISE PROVIDED FOR:                       |                |         |
| (a) Legal Advice and Legal Service Program, Estimated .....      |                | 250,000 |
| SOURCE OF FUNDS:   |                |         |
| (1) State General Fund .....                                     | <u>250,000</u> |         |
| Total Court Costs Not Otherwise Provided For .....               | 250,000        | 250,000 |
| 10. DISTRIBUTION OF PUBLIC DOCUMENTS:                            |                |         |
| (a) Administration Support Service Program, Estimated .....      |                | 30,000  |
| SOURCE OF FUNDS:   |                |         |
| (1) State General Fund .....                                     | <u>30,000</u>  |         |
| Total Distribution of Public Documents .....                     | 30,000         | 30,000  |
| 11. ECONOMIC AND COMMUNITY DEVELOPMENT:                          |                | 500,000 |
| SOURCE OF FUNDS:   |                |         |
| (1) Federal Revenue Sharing ....                                 | <u>500,000</u> |         |
| Total Economic and Community Development .....                   | 500,000        | 500,000 |
| 12. ELECTION EXPENSES:   |                |         |
| (a) Special Services Program, Estimated .....                    |                | 900,000 |
| SOURCE OF FUNDS:   |                |         |
| (1) State General Fund .....                                     | <u>900,000</u> |         |
| Total Election Expenses .....                                    | 900,000        | 900,000 |
| 13. DEPARTMENTAL EMERGENCY FUND:                                 |                |         |
| (a) Special Services Program ....                                |                | 350,000 |



## SOURCE OF FUNDS:

## (1) State General Fund

(This is the appropriation contemplated in Title 41, Chapter 4, Section 94, Code of Alabama 1975, and shall be the only amount appropriated and the total amount expended under the provisions of said section) . . . . .

350,000

|   |         |         |
|---|---------|---------|
| Total Departmental Emergency Fund . . . . . | 350,000 | 350,000 |
|---|---------|---------|

## 14. FAIR TRIAL TAX TRANSFER:

|                                    |  |         |
|------------------------------------|--|---------|
| (a) Court Operations Program . . . |  | 100,000 |
|------------------------------------|--|---------|

## SOURCE OF FUNDS:

|                                  |                |  |
|----------------------------------|----------------|--|
| (1) State General Fund . . . . . | <u>100,000</u> |  |
|----------------------------------|----------------|--|

|                                     |         |         |
|-------------------------------------|---------|---------|
| Total Fair Trial Tax Transfer . . . | 100,000 | 100,000 |
|-------------------------------------|---------|---------|

## 15. FEEDING OF PRISONERS:

|  |  |           |
|--|--|-----------|
| (a) Institutional Services Corrections Program, Est. . . . . |  | 3,000,000 |
|--|--|-----------|

## SOURCE OF FUNDS:

|   |                  |  |
|---|------------------|--|
| (1) State General Fund for expense of feeding prisoners in county jails . . . . . | <u>3,000,000</u> |  |
|---|------------------|--|

|                                      |           |           |
|--------------------------------------|-----------|-----------|
| Total Feeding of Prisoners . . . . . | 3,000,000 | 3,000,000 |
|--------------------------------------|-----------|-----------|

## 16. NATIONAL GOVERNOR'S CONFERENCE:

|                                   |  |        |
|-----------------------------------|--|--------|
| (a) Executive Direction Program . |  | 30,075 |
|-----------------------------------|--|--------|

## SOURCE OF FUNDS:

|                                  |               |  |
|----------------------------------|---------------|--|
| (1) State General Fund . . . . . | <u>30,075</u> |  |
|----------------------------------|---------------|--|

|  |        |        |
|--|--------|--------|
| Total National Governors' Conference . . . . . | 30,075 | 30,075 |
|--|--------|--------|

## 17. GOVERNOR'S COUNCIL-LOR:

|                                   |  |        |
|-----------------------------------|--|--------|
| (a) Executive Direction Program . |  | 18,000 |
|-----------------------------------|--|--------|

## SOURCE OF FUNDS:

|  |               |  |
|--|---------------|--|
| (1) State General Fund as provided in Act No. 596, Regular Session, 1977 . . . . . | <u>18,000</u> |  |
|--|---------------|--|

|                                       |        |        |
|---------------------------------------|--------|--------|
| Total Governor's Councillor . . . . . | 18,000 | 18,000 |
|---------------------------------------|--------|--------|

## 18. GOVERNORS' WIDOWS RETIREMENT:

|   |           |           |
|---|-----------|-----------|
| (a) Executive Direction Program .   |           | 14,400    |
| SOURCE OF FUNDS:  |           |           |
| (1) State General Fund . . . . .  | 14,400    |           |
| Total Governors' Widows Retirement . . . . .  | 14,400    | 14,400    |
| 19. STATE EMPLOYEES INSURANCE:  |           |           |
| (a) Administrative Support Service Program, Estimated . . . . .                               |           | 1,000,000 |
| SOURCE OF FUNDS:  |           |           |
| (1) State General Fund . . . . .  | 1,000,000 |           |
| Total State Employees Insurance . . . . .   | 1,000,000 | 1,000,000 |
| 20. INTERPRETER'S ACCOUNT:  |           |           |
| (a) Court Support Services Program, Estimated . . . . .                                       |           | 100       |
| SOURCE OF FUNDS:  |           |           |
| (1) State General Fund to carry out provisions of Act No. 799, 1965 Regular Session . . . . . | 100       |           |
| Total Interpreter's Account . . . . .   | 100       | 100       |
| 21. LAW ENFORCEMENT LEGAL DEFENSE:  |           |           |
| (a) Legal Advice and Legal Service Program . . . . .  |           | 2,000     |
| SOURCE OF FUNDS:  |           |           |
| (1) State General Fund to carry out provisions of Act No. 259, 1957 Regular Session . . . . . | 2,000     |           |
| Total Law Enforcement Legal Defense . . . . .   | 2,000     | 2,000     |
| 22. MAILING TAX NOTICES:  |           |           |
| (a) State Revenue Administration Program, Estimated . . . . .                                 |           | 7,500     |
| SOURCE OF FUNDS:  |           |           |
| (1) State General Fund . . . . .  | 7,500     |           |
| Total Mailing Tax Notices . . . . .   | 7,500     | 7,500     |
| 23. MATCHING FEDERAL FUNDS NOT OTHERWISE PROVIDED FOR:  |           |           |
| (a) Court Operations Program . . . . .  |           | 100,000   |
| SOURCE OF FUNDS:  |           |           |

|  |                   |            |
|--|-------------------|------------|
| (1) State General Fund .....   | <u>100,000</u>    |            |
| Total Matching Federal Funds Not<br>Otherwise Provided For .....   | 100,000           | 100,000    |
| 24. ALABAMA SPECIAL MEN-<br>TAL HEALTH FUND:   |                   | 23,750,000 |
| SOURCE OF FUNDS:   |                   |            |
| (1) State General Fund Transfer .  | <u>23,750,000</u> |            |
| Total Alabama Special Mental<br>Health Fund .....  | 23,750,000        | 23,750,000 |
| 25. PAYMENT OF ATTORNEY'S<br>FEES IN INDIGENT CAPITAL<br>CASES:  |                   |            |
| (a) Court Operations Program, Es-<br>timated .....   |                   | 25,000     |
| SOURCE OF FUNDS:   |                   |            |
| (1) State General Fund as provided<br>in Act No. 176, 1947 Acts, page<br>61 .....  | <u>25,000</u>     |            |
| Total Payment of Attorney's Fees<br>in Indigent Capital Cases .....  | 25,000            | 25,000     |
| 26. PRINTING OF STATE AND<br>COUNTY PRIVILEGE LICEN-<br>SES:   |                   |            |
| (a) State Revenue Administration<br>Program .....  |                   | 10,000     |
| SOURCE OF FUNDS:   |                   |            |
| (1) State General Fund .....   | <u>10,000</u>     |            |
| Total Printing of State and County<br>Privilege Licenses .....   | 10,000            | 10,000     |
| 27. SPECIAL PROBATE JUD-<br>GES:   |                   |            |
| (a) Institutional Treatment and<br>Care—Mental Illness Program .   |                   | 20,000     |
| SOURCE OF FUNDS:   |                   |            |
| (1) State General Fund .....   | <u>20,000</u>     |            |
| Total Special Probate Judges ....  | 20,000            | 20,000     |
| 28. PUBLIC DEFENDERS:  |                   |            |
| (a) Court Operations Program ...   |                   | 24,000     |
| SOURCE OF FUNDS:   |                   |            |
| (1) State General Fund for salaries<br>of Public Defenders for the 21st<br>Judicial Circuit, as provided by<br>Act No. 1158, 1969 Regular Ses-<br>sion ..... | <u>24,000</u>     |            |

|   |           |           |
|---|-----------|-----------|
| Total Public Defenders .....                                  | 24,000    | 24,000    |
| 29. REGISTRATION OF VOTERS:                                   |           |           |
| (a) Special Services Program, Estimated .....                 |           | 350,000   |
| SOURCE OF FUNDS:  |           |           |
| (1) State General Fund .....                                  | 350,000   |           |
| Total Registration of Voters .....                            | 350,000   | 350,000   |
| 30. REMOVAL OF PRISONERS:                                     |           |           |
| (a) Special Police Services Program, Estimated .....          |           | 75,000    |
| SOURCE OF FUNDS:  |           |           |
| (1) State General Fund .....                                  | 75,000    |           |
| Total Removal of Prisoners .....                              | 75,000    | 75,000    |
| 31. STATE'S SHARE OF SOCIAL SECURITY:                         |           |           |
| (a) Administrative Support Service Program, Estimated .....   |           | 2,000,000 |
| SOURCE OF FUNDS:  |           |           |
| (1) State General Fund .....                                  | 2,000,000 |           |
| Total State's Share of Social Security .....                  | 2,000,000 | 2,000,000 |
| 32. STATE TREASURER—PREVIOUS YEAR'S UNPAID WARRANTS:          |           |           |
| (a) Special Services Program, Estimated .....                 |           | 50,000    |
| SOURCE OF FUNDS:  |           |           |
| (1) State General Fund .....                                  | 50,000    |           |
| Total State Treasurer—Previous Years' Unpaid Warrants .....   | 50,000    | 50,000    |
| 33. UTILITY AUDIT COMMITTEE:                                  |           |           |
| (a) Executive Direction Program .                             |           | 100,000   |
| SOURCE OF FUNDS:  |           |           |
| (1) State General Fund .....                                  | 100,000   |           |
| Total Utility Audit Committee ...                             | 100,000   | 100,000   |
| 34. FOR PRINTING OF LEGISLATIVE ACTS AND JOURNALS, ESTIMATED: |           |           |
| (a) Administrative Support Services Program, Estimated .....  |           | 100,000   |

## SOURCE OF FUNDS:

|                                  |         |  |
|----------------------------------|---------|--|
| (1) State General Fund . . . . . | 100,000 |  |
|----------------------------------|---------|--|

|   |         |         |
|---|---------|---------|
| TOTAL PRINTING OF LEGISLATIVE ACTS AND JOURNALS . | 100,000 | 100,000 |
|---|---------|---------|

## V. FINANCIAL ASSISTANCE TO NON-STATE AGENCIES:

## A. NON-STATE AGENCIES FUNDED FROM THE GENERAL FUND:

## (1) AMOS ALONZO STAGG BOWL:

|  |  |       |
|--|--|-------|
| (a) Tourism and Travel Promotion Program . . . . . |  | 4,500 |
|--|--|-------|

## SOURCE OF FUNDS:

|                                  |       |  |
|----------------------------------|-------|--|
| (1) State General Fund . . . . . | 4,500 |  |
|----------------------------------|-------|--|

|                                    |       |       |
|------------------------------------|-------|-------|
| Total Amos Alonzo Stagg Bowl . . . | 4,500 | 4,500 |
|------------------------------------|-------|-------|

## 2. APPALACHIAN REGIONAL COMMISSION:

|                                |  |         |
|--------------------------------|--|---------|
| (a) Planning Program . . . . . |  | 135,000 |
|--------------------------------|--|---------|

## SOURCE OF FUNDS:

|                                  |         |  |
|----------------------------------|---------|--|
| (1) State General Fund . . . . . | 135,000 |  |
|----------------------------------|---------|--|

|   |         |         |
|---|---------|---------|
| Total Appalachian Regional Commission . . . . . | 135,000 | 135,000 |
|---|---------|---------|

## 3. ARMED FORCES DAY COMMITTEE:

|   |  |       |
|---|--|-------|
| (a) Historical Resources Management Program . . . . . |  | 1,350 |
|---|--|-------|

## SOURCE OF FUNDS:

|                                  |       |  |
|----------------------------------|-------|--|
| (1) State General Fund . . . . . | 1,350 |  |
|----------------------------------|-------|--|

|  |       |       |
|--|-------|-------|
| Total Armed Forces Day Committee . . . . . | 1,350 | 1,350 |
|--|-------|-------|

## 4. AZALEA TRAIL FESTIVAL:

|  |  |       |
|--|--|-------|
| (a) Tourism and Travel Promotion Program . . . . . |  | 2,500 |
|--|--|-------|

## SOURCE OF FUNDS:

|                                  |       |  |
|----------------------------------|-------|--|
| (1) State General Fund . . . . . | 2,500 |  |
|----------------------------------|-------|--|

|                                       |       |       |
|---------------------------------------|-------|-------|
| Total Azalea Trail Festival . . . . . | 2,500 | 2,500 |
|---------------------------------------|-------|-------|

## 5. BIG NANCE CREEK WATER MANAGEMENT DISTRICT:

|  |  |       |
|--|--|-------|
| (a) Water Resource Development Program . . . . . |  | 2,250 |
|--|--|-------|

## SOURCE OF FUNDS:

|                                  |       |  |
|----------------------------------|-------|--|
| (1) State General Fund . . . . . | 2,250 |  |
|----------------------------------|-------|--|

|  |               |        |
|--|---------------|--------|
| Total Big Nance Creek Water Management District .....      | 2,250         | 2,250  |
| 6. BIRMINGHAM FESTIVAL OF FINE ARTS:                       |               |        |
| (a) Fine Arts Program .....                                |               | 25,000 |
| SOURCE OF FUNDS:   |               |        |
| (1) State General Fund .....                               | <u>25,000</u> |        |
| Total Birmingham Festival of Fine Arts .....               | 25,000        | 25,000 |
| 7. BLUE AND GRAY ASSOCIATION, INC.:                        |               |        |
| (a) Tourism and Travel Promotion Program .....             |               | 9,000  |
| SOURCE OF FUNDS:   |               |        |
| (1) State General Fund .....                               | <u>9,000</u>  |        |
| Total Blue and Gray Association, Inc. ....                 | 9,000         | 9,000  |
| 8. CHILTON COUNTY PEACH FESTIVAL:                          |               |        |
| (a) Tourism and Travel Promotion Program .....             |               | 7,500  |
| SOURCE OF FUNDS:   |               |        |
| (1) State General Fund .....                               | <u>7,500</u>  |        |
| Total Chilton County Peach Festival .....                  | 7,500         | 7,500  |
| 9. CHOCCOLOCCO CREEK WATERSHED ASSOCIATION:                |               |        |
| (a) Water Resource Development Program .....               |               | 3,600  |
| SOURCE OF FUNDS:   |               |        |
| (1) State General Fund .....                               | <u>3,600</u>  |        |
| Total Choccolocco Creek Watershed Association .....        | 3,600         | 3,600  |
| 10. SOUTHEAST CHOCTA-WHATCHEE RIVER WATERSHED ASSOCIATION: |               |        |
| (a) Water Resource Development Program .....               |               | 2,250  |
| SOURCE OF FUNDS:   |               |        |
| (1) State General Fund .....                               | <u>2,250</u>  |        |
| Total Southeast Choctawhatchee River Watershed Assoc. .... | 2,250         | 2,250  |
| 11. CIVIL AIR PATROL:                                      |               |        |
| (a) Readiness and Recovery Program .....                   |               | 35,000 |

## SOURCE OF FUNDS:

|                              |               |        |
|------------------------------|---------------|--------|
| (1) State General Fund ..... | <u>35,000</u> |        |
| Total Civil Air Patrol ..... | 35,000        | 35,000 |

## 12. ALABAMA CONGRESSIONAL MEDAL OF HONOR GROVE:

|   |  |       |
|---|--|-------|
| (a) Historical Resources Management Program ..... |  | 8,000 |
|---|--|-------|

## SOURCE OF FUNDS:

|  |              |       |
|--|--------------|-------|
| (1) State General Fund .....                           | <u>8,000</u> |       |
| Total Alabama Congressional Medal of Honor Grove ..... | 8,000        | 8,000 |

## 13. CROOKED CREEK WATERSHED CONSERVANCY DISTRICT:

|  |  |       |
|--|--|-------|
| (a) Water Resource Development Program ..... |  | 2,250 |
|--|--|-------|

## SOURCE OF FUNDS:

|  |              |       |
|--|--------------|-------|
| (1) State General Fund .....                             | <u>2,250</u> |       |
| Total Crooked Creek Watershed Conservancy District ..... | 2,250        | 2,250 |

## 14. DEEP-SEA FISHING RODEO:

|  |  |       |
|--|--|-------|
| (a) Tourism and Travel Promotion Program ..... |  | 1,500 |
|--|--|-------|

## SOURCE OF FUNDS:

|                                  |              |       |
|----------------------------------|--------------|-------|
| (1) State General Fund .....     | <u>1,500</u> |       |
| Total Deep-Sea Fishing Rodeo ... | 1,500        | 1,500 |

## 15. ELK RIVER DEVELOPMENT AGENCY:

|  |  |       |
|--|--|-------|
| (a) Water Resource Development Program ..... |  | 7,500 |
|--|--|-------|

## SOURCE OF FUNDS:

|  |              |       |
|--|--------------|-------|
| (1) State General Fund .....             | <u>7,500</u> |       |
| Total Elk River Development Agency ..... | 7,500        | 7,500 |

## 16. ALABAMA FOREIGN TRADE RELATIONS COMMITTEE:

|                                   |  |        |
|-----------------------------------|--|--------|
| (a) Special Services Program .... |  | 40,000 |
|-----------------------------------|--|--------|

## SOURCE OF FUNDS:

|                              |               |  |
|------------------------------|---------------|--|
| (1) State General Fund ..... | <u>40,000</u> |  |
|------------------------------|---------------|--|

|   |        |        |
|---|--------|--------|
| Total Alabama Foreign Trade Relations Committee .....     | 40,000 | 40,000 |
| 17. GULF SHORES TOURIST ASSOCIATION:                      |        |        |
| (a) Tourism and Travel Promotion Program .....            |        | 13,500 |
| SOURCE OF FUNDS:  |        |        |
| (1) State General Fund .....                              | 13,500 |        |
| Total Gulf Shores Tourist Association .....               | 13,500 | 13,500 |
| 18. GUNTERSVILLE BOAT RACES:                              |        |        |
| (a) Tourism and Travel Promotion Program .....            |        | 8,550  |
| SOURCE OF FUNDS:  |        |        |
| (1) State General Fund .....                              | 8,550  |        |
| Total Guntersville Boat Races ...                         | 8,550  | 8,550  |
| 19. HELEN KELLER PROSPERITY BOARD:                        |        |        |
| (a) Historical Resources Management Program .....         |        | 5,000  |
| SOURCE OF FUNDS:  |        |        |
| (1) State General Fund .....                              | 5,000  |        |
| Total Helen Keller Property Board                         | 5,000  | 5,000  |
| 20. INTERSTATE MINING COMMISSION:                         |        |        |
| (a) Planning Program .....                                |        | 7,900  |
| SOURCE OF FUNDS:  |        |        |
| (1) State General Fund .....                              | 7,900  |        |
| Total Interstate Mining Commission .....                  | 7,900  | 7,900  |
| 21. KETCHEPEDRAKEE CREEK WATERSHED CONSERVANCY DISTRICT:  |        |        |
| (a) Water Resource Development Program .....              |        | 2,250  |
| SOURCE OF FUNDS:  |        |        |
| (1) State General Fund .....                              | 2,250  |        |
| Total Ketchepedrakee Creek Watershed Conservancy District | 2,250  | 2,250  |
| 22. LAKE EUFAULA SUMMER SPECTACULAR:                      |        |        |



## REGULAR SESSION

2077

|  |        |        |
|--|--------|--------|
| (a) Tourism and Travel Promotion Programs .....  |        | 9,000  |
| SOURCE OF FUNDS:   |        |        |
| (1) State General Fund .....   | 9,000  |        |
| Total Lake Eufaula Summer Spectacular .....  | 9,000  | 9,000  |
| 23. MOBILE CARNIVAL ASSOCIATION:   |        |        |
| (a) Tourism and Travel Promotion Programs .....  |        | 4,500  |
| SOURCE OF FUNDS:   |        |        |
| (1) State General Fund .....   | 4,500  |        |
| Total Mobile Carnival Association  | 4,500  | 4,500  |
| 24. MOUNTAIN LAKES ASSOCIATION:  |        |        |
| (a) Tourism and Travel Promotion Programs .....  |        | 23,000 |
| SOURCE OF FUNDS:   |        |        |
| (1) State General Fund .....   | 23,000 |        |
| Total Mountain Lakes Association   | 23,000 | 23,000 |
| 25. SOUTHERN INTERSTATE NUCLEAR BOARD:   |        |        |
| (a) Discovery and Development of Mineral, Energy, and Water Resources, Geologic Research and Topographic Mapping Program . |        | 11,057 |
| SOURCE OF FUNDS:   |        |        |
| (1) State General Fund .....   | 11,057 |        |
| Total Southern Interstate Nuclear Board .....  | 11,057 | 11,057 |
| 26. NATIONAL PEANUT FESTIVAL ASSOCIATION, INC.:  |        |        |
| (a) Tourism and Travel Promotion Programs .....  |        | 12,000 |
| SOURCE OF FUNDS:   |        |        |
| (1) State General Fund .....   | 12,000 |        |
| Total National Peanut Festival Association, Inc. ....  | 12,000 | 12,000 |
| 27. MONTGOMERY RIVER-BOAT ASSOCIATION:   |        |        |
| (a) Tourism and Travel Promotion Programs .....  |        | 22,500 |
| SOURCE OF FUNDS:   |        |        |

|  |               |        |
|--|---------------|--------|
| (1) State General Fund .....                           | <u>22,500</u> |        |
| Total Montgomery Riverboat Association .....           | 22,500        | 22,500 |
| 28. PEA RIVER HISTORICAL AND GENEALOGY SOCIETY:        |               |        |
| (a) Tourism and Travel Promotion Programs .....        |               | 5,000  |
| SOURCE OF FUNDS:                                       |               |        |
| (1) State General Fund .....                           | <u>5,000</u>  |        |
| Total Pea River Historical and Genealogy Society ..... | 5,000         | 5,000  |
| 29. PEA RIVER WATERSHED CONSERVANCY DISTRICT:          |               |        |
| (a) Water Resource Development Program .....           |               | 2,250  |
| SOURCE OF FUNDS:                                       |               |        |
| (1) State General Fund .....                           | <u>2,250</u>  |        |
| Total Pea River Watershed Conservancy District .....   | 2,250         | 2,250  |
| 30. PIMENTO FESTIVAL:                                  |               |        |
| (a) Tourism and Travel Promotion Programs .....        |               | 1,000  |
| SOURCE OF FUNDS:                                       |               |        |
| (1) State General Fund .....                           | <u>1,000</u>  |        |
| Total Pimento Festival .....                           | 1,000         | 1,000  |
| 31. ALABAMA SHAKESPEARE FESTIVAL:                      |               |        |
| (a) Fine Arts Program .....                            |               | 7,500  |
| SOURCE OF FUNDS:                                       |               |        |
| (1) State General Fund .....                           | <u>7,500</u>  |        |
| Total Alabama Shakespeare Festival .....               | 7,500         | 7,500  |
| 32. SOUTHERN CHAMPIONSHIP HORSESHOW:                   |               |        |
| (a) Tourism and Travel Promotion Programs .....        |               | 5,000  |
| SOURCE OF FUNDS:                                       |               |        |
| (1) State General Fund .....                           | <u>5,000</u>  |        |
| Total Southern Championship Horseshow .....            | 5,000         | 5,000  |
| 33. SOUTHERN GROWTH POLICIES BOARD:                    |               |        |

|   |        |        |
|---|--------|--------|
| (a) Special Services Program . . . .                                  |        | 21,000 |
| SOURCE OF FUNDS:  |        |        |
| (1) State General Fund . . . . .                                      | 21,000 |        |
| Total Southern Growth Policies Program . . . . .                      | 21,000 | 21,000 |
| 34. SPIRIT OF AMERICA FESTIVAL, INC.:                                 |        |        |
| (a) Tourism and Travel Promotion Programs . . . . .                   |        | 4,500  |
| SOURCE OF FUNDS:  |        |        |
| (1) State General Fund . . . . .                                      | 4,500  |        |
| Total Spirit of America Festival, Inc. . . . .                        | 4,500  | 4,500  |
| 35. ALABAMA STATE STEER SHOW ASSOCIATION:                             |        |        |
| (a) Agricultural Development Services Program . . . . .               |        | 9,000  |
| SOURCE OF FUNDS:  |        |        |
| (1) State General Fund . . . . .                                      | 9,000  |        |
| Total Alabama State Steer Show Association . . . . .                  | 9,000  | 9,000  |
| 36. TALLACOOSA HIGHLAND LAKES ASSOCIATION:                            |        |        |
| (a) Tourism and Travel Promotion Programs . . . . .                   |        | 9,000  |
| SOURCE OF FUNDS:  |        |        |
| (1) State General Fund . . . . .                                      | 9,000  |        |
| Total Tallacoosa Highland Lakes Association . . . . .                 | 9,000  | 9,000  |
| 37. TALLASSEEHATCHIE CREEK WATERSHED CONSERVANCY DISTRICT:            |        |        |
| (a) Water Resources Development Program . . . . .                     |        | 2,250  |
| SOURCE OF FUNDS:  |        |        |
| (1) State General Fund . . . . .                                      | 2,250  |        |
| Total Tallasseehatchie Creek Watershed Conservancy District . . . . . | 2,250  | 2,250  |
| 38. TENNESSEE RIVER VALLEY ASSOCIATION:                               |        |        |
| (a) Water Resources Development Program . . . . .                     |        | 14,000 |

## SOURCE OF FUNDS:

|  |               |        |
|--|---------------|--------|
| (1) State General Fund .....                   | <u>14,000</u> |        |
| Total Tennessee River Valley Association ..... | 14,000        | 14,000 |

## 39. TENNESSEE VALLEY PUBLICITY AND IMPROVEMENT ASSOCIATION:

|   |  |        |
|---|--|--------|
| (a) Tourism and Travel Promotion Programs ..... |  | 40,000 |
|---|--|--------|

## SOURCE OF FUNDS:

|  |               |        |
|--|---------------|--------|
| (1) State General Fund .....                                     | <u>40,000</u> |        |
| Total Tennessee Valley Publicity and Information Association ... | 40,000        | 40,000 |

## 40. TERRAPIN CREEK WATERSHED CONSERVANCY DISTRICT:

|  |  |       |
|--|--|-------|
| (a) Water Resource Development Program ..... |  | 2,250 |
|--|--|-------|

## SOURCE OF FUNDS:

|   |              |       |
|---|--------------|-------|
| (1) State General Fund .....                              | <u>2,250</u> |       |
| Total Terrapin Creek Watershed Conservancy District ..... | 2,250        | 2,250 |

## 41. ALABAMA TRAVEL COUNCIL:

|   |  |        |
|---|--|--------|
| (a) Tourism and Travel Promotion Programs ..... |  | 15,000 |
|---|--|--------|

## SOURCE OF FUNDS:

|                                  |               |        |
|----------------------------------|---------------|--------|
| (1) State General Fund .....     | <u>15,000</u> |        |
| Total Alabama Travel Council ... | 15,000        | 15,000 |

## 42. TRI-RIVERS WATERWAY DEVELOPMENT ASSOCIATION:

|  |  |        |
|--|--|--------|
| (a) Water Resource Development Program ..... |  | 27,000 |
|--|--|--------|

## SOURCE OF FUNDS:

|   |               |        |
|---|---------------|--------|
| (1) State General Fund .....                            | <u>27,000</u> |        |
| Total Tri-Rivers Waterway Development Association ..... | 27,000        | 27,000 |

## 43. VESTAVIA HILLS DOGWOOD FESTIVAL AND TRAIL:

|   |  |       |
|---|--|-------|
| (a) Tourism and Travel Promotion Programs ..... |  | 1,000 |
|---|--|-------|

## SOURCE OF FUNDS:

|   |               |        |
|---|---------------|--------|
| (1) State General Fund .....                          | <u>1,000</u>  |        |
| Total Vestavia Hills Dogwood Festival and Trail ..... | 1,000         | 1,000  |
| 44. NATIONAL VETERANS DAY COMMITTEE:                  |               |        |
| (a) National Resources Management Program .....       |               | 7,000  |
| SOURCE OF FUNDS:                                      |               |        |
| (1) State General Fund .....                          | <u>7,000</u>  |        |
| Total National Veterans Day Committee .....           | 7,000         | 7,000  |
| 45. VETERANS DAY COMMITTEE:                           |               |        |
| (a) Historical Resources Management Program .....     |               | 2,000  |
| SOURCE OF FUNDS:                                      |               |        |
| (1) State General Fund .....                          | <u>2,000</u>  |        |
| Total Veterans Day Committee ..                       | 2,000         | 2,000  |
| 46. ALABAMA WOMEN'S HALL OF FAME:                     |               |        |
| (a) Historical Resources Management Program .....     |               | 6,800  |
| SOURCE OF FUNDS:                                      |               |        |
| (1) State General Fund .....                          | <u>6,800</u>  |        |
| Total Alabama Women's Hall of Fame .....              | 6,800         | 6,800  |
| 47. Y.M.C.A. YOUTH LEGISLATURE:                       |               |        |
| (a) Special Services Program ....                     |               | 5,000  |
| SOURCE OF FUNDS:                                      |               |        |
| (1) State General Fund .....                          | <u>5,000</u>  |        |
| Total Y.M.C.A. Youth Legislature                      | 5,000         | 5,000  |
| 48. AMERICA'S JUNIOR MISS PAGEANT, INC.:              |               |        |
| (a) Tourism and Travel Promotion Programs .....       |               | 22,500 |
| SOURCE OF FUNDS:                                      |               |        |
| (1) State General Fund .....                          | <u>22,500</u> |        |
| Total America's Junior Miss Pageant, Inc. ....        | 22,500        | 22,500 |
| 49. PIKE-COUNTY PIONEER MUSEUM ASSOCIATION:           |               |        |

|   |        |        |
|---|--------|--------|
| (a) Tourism and Travel Promotion Programs .....                       |        | 5,000  |
| SOURCE OF FUNDS:  |        |        |
| (1) State General Fund .....  | 5,000  |        |
| Total Pike County Pioneer Museum Association .....                    | 5,000  | 5,000  |
| 50. HANK WILLIAMS MEMORIAL ASSOCIATION:                               |        |        |
| (a) Tourism and Travel Promotion Programs .....                       |        | 5,000  |
| SOURCE OF FUNDS:  |        |        |
| (1) State General Fund .....  | 5,000  |        |
| Total Hank Williams Memorial Association .....                        | 5,000  | 5,000  |
| 51. COOSA RIVER ACTION COUNCIL AT GADSDEN:                            |        |        |
| (a) Promotion of Coosa River as Inland Waterway .....                 |        | 10,000 |
| SOURCE OF FUNDS:  |        |        |
| (1) State General Fund .....  | 10,000 |        |
| Total Coosa River Action Council, Inc. ....                           | 10,000 | 10,000 |
| 52. GENEVA COUNTY TOMATO FESTIVAL:                                    |        |        |
| (a) Tourism and Travel Promotion Programs .....                       |        | 5,000  |
| SOURCE OF FUNDS:  |        |        |
| (1) State General Fund .....  | 5,000  |        |
| Total Geneva County Tomato Festival .....                             | 5,000  | 5,000  |
| 53. FEDERATION OF SOUTHERN COOPERATIVES:                              |        |        |
| (a) For Miss Black Alabama Pageant Tourism and Travel Promotion ..... |        | 10,000 |
| SOURCE OF FUNDS:  |        |        |
| (1) State General Fund .....  | 10,000 |        |
| Total Federation of Southern Cooperatives .....                       | 10,000 | 10,000 |
| 54. ALABAMA FOREST FESTIVAL:  |        |        |
| (a) Tourism and Travel Promotion Program .....                        |        | 5,000  |

## SOURCE OF FUNDS:

|                                   |              |       |
|-----------------------------------|--------------|-------|
| (1) State General Fund .....      | <u>5,000</u> |       |
| Total Alabama Forest Festival ... | 5,000        | 5,000 |

55. ALABAMA HISTORICAL  
COMMISSION—FORT TOU-  
LOUSE:

|                                  |  |        |
|----------------------------------|--|--------|
| (a) Historical Restoration ..... |  | 22,500 |
|----------------------------------|--|--------|

## SOURCE OF FUNDS:

|   |               |        |
|---|---------------|--------|
| (1) State General Fund (Condi-<br>tional) .....                             | <u>22,500</u> |        |
| Total Alabama Historical<br>Commission—Fort Toulouse<br>(Conditional) ..... | 22,500        | 22,500 |

(The above appropriation is con-  
ditional upon the condition of the  
State General Fund and approval  
of the Governor.)

56. GEORGE LINDSEY CELEB-  
RITY BENEFIT, INC.: 10,000

## SOURCE OF FUNDS:

|  |               |        |
|--|---------------|--------|
| (1) State General Fund .....                         | <u>10,000</u> |        |
| Total George Lindsey Celebrity<br>Benefit, Inc. .... | 10,000        | 10,000 |

## I. DEBT SERVICE:

A. GENERAL SERVICE FUND-  
ED FROM THE GENERAL  
FUND:

|  |  |           |
|--|--|-----------|
| 1. General Obligation Capital Im-<br>provement Bonds, Series A and<br>B, Estimated ..... |  | 1,160,035 |
|--|--|-----------|

## SOURCE OF FUNDS:

|  |                  |           |
|--|------------------|-----------|
| (1) State General Fund, Series A<br>and B, Estimated .....                                 | <u>1,160,035</u> |           |
| Total General Obligations Capital<br>Improvement Bonds, Series A<br>and B, Estimated ..... | 1,160,035        | 1,160,035 |

|   |  |         |
|---|--|---------|
| 2. General Obligation Coosa<br>Waterway Bonds, Series A, Es-<br>timated ..... |  | 650,448 |
|---|--|---------|

## SOURCE OF FUNDS:

|                              |                |  |
|------------------------------|----------------|--|
| (1) State General Fund ..... | <u>650,448</u> |  |
|------------------------------|----------------|--|

|   |                  |           |
|---|------------------|-----------|
| Total General Obligation Coosa Waterway Bonds, Series A, Estimated .....  | 650,448          | 650,448   |
| 3. General Obligation Docks Facilities Bonds, Series A and B, Estimated .....   |                  | 2,850,400 |
| SOURCE OF FUNDS:  |                  |           |
| (1) State General Fund .....  | <u>2,850,400</u> |           |
| Total General Obligation Docks Facilities Bonds, Series A and B, Estimated .....  | 2,850,400        | 2,850,400 |
| 4. Inland Waterways Facilities Bonds, Series 1970 A, Estimated .....  |                  | 645,900   |
| SOURCE OF FUNDS:  |                  |           |
| (1) State General Fund .....  | <u>645,900</u>   |           |
| Total Inland Waterways Facilities Bonds, Series 1970 A, Estimated .....   | 645,900          | 645,900   |
| 5. General Obligation Inland Waterways Facilities Bonds, Series 1970 B, Estimated .....                                       |                  | 664,650   |
| SOURCE OF FUNDS:  |                  |           |
| (1) State General Fund .....  | <u>664,650</u>   |           |
| Total General Obligation Inland Waterways Facilities Bonds, Series 1970 B, Estimated .....                                    | 664,650          | 664,650   |
| 6. Inland Waterway Improvement Bonds, Series A through D, Estimated .....   |                  | 687,413   |
| SOURCE OF FUNDS:  |                  |           |
| (1) State General Fund .....  | <u>687,413</u>   |           |
| Total Inland Waterway Improvement Bonds, Series A through D, Estimated .....  | 687,413          | 687,413   |
| 7. State Parks Development Authority Bonds, Estimated .....   |                  | 350,000   |
| SOURCE OF FUNDS:  |                  |           |
| (1) State General Fund, Estimated—pursuant to Constitutional Amendment as provided in Act No. 272, 1967 Regular Session ..... | <u>350,000</u>   |           |
| Total State Parks Development Authority Bonds, Estimated ...  | 350,000          | 350,000   |



|  |         |
|--|---------|
| 8. Tennessee-Tombigbee Waterway Bonds, Series A and B, Estimated ..... | 854,648 |
|--|---------|

## SOURCE OF FUNDS:

|   |         |         |
|---|---------|---------|
| (1) State General Fund, Estimated—pursuant to Constitutional Amendment No. CCLXX as provided in Act No. 248, 1967 Regular Session ..... | 854,648 |         |
| Total Tennessee-Tombigbee Waterway Bonds, Series A and B, Estimated .....   | 854,648 | 854,648 |

Section 3. That, except as may be herein otherwise provided, that amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Section 4 of this bill, as provided in the Budget Management Act of 1976, Act No. 494, 1976 Regular Session, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Title 40, Chapter 8, Section 80-96, Code of Alabama 1975 and the Budget Management Act of 1976 (Act No. 494).

Section 4. In addition to appropriations herein made, all gifts, grants, contributions, appropriations, entitlements or any other funds, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made.

Section 5. From the amounts received by the State of Alabama during the period October 1, 1978, through September 30, 1979, as grants or entitlements under the State and Local Fiscal Assistance Act of 1972, Public Law 92-512, 92nd Congress and any interest earned by the State thereon there is hereby appropriated the following:

|   |            |
|---|------------|
| A. To Department of Mental Health to be used for operations and maintenance .....   | 16,400,000 |
| B. To Highway Department for operations and maintenance .....                       | 11,000,000 |
| C. To Board of Corrections for operations and maintenance of the penal system ..... | 7,000,000  |
| D. For Economic and Community Development .....                                     | 500,000    |
| E. To the State General Fund ...  | 4,600,000  |
| Total .....   | 39,500,000 |

The amounts appropriated in this section are to be in lieu of any revenue sharing funds appropriated in Section 2 to the above mentioned departments. The revenue sharing funds in Section 2 should not be construed to be an additional appropriation.

Section 6. No funds appropriated herein may be expended for rent, leases, contracts, or purchases of data processing equipment or services or for rent for any office space on any contract, lease, purchase, or agreement made prior to September 30, 1978 for such items, unless approved or reapproved on or after October 1, 1978 by the Director of Finance.

Section 7. No funds appropriated by this Act shall be used to employ attorneys by any department, board, bureau, commission or agency of State Government who are not subject to the State Merit System Law unless such appointment shall be approved by the Governor.

Section 8. All State departments, commissions, bureaus, and agency directors or chief administrative officers except the Governor and the Director of Finance shall file with the Governor written quarterly reports which outline fund allocations and expenditures of their respective departments, commissions, bureaus, and agencies. These reports shall be made by the 15th day of the month following the completion of each quarter in the fiscal year. The Governor shall then transmit copies of such reports to the Chairman of the Finance and Taxation Committee and the Ways and Means Committee. Any other agency of government or other group or entity not a part of State Government that receives state appropriations under this section shall file the reports required of State agencies under this section. The reports required by this section shall be in addition to any reports, written or otherwise, now required of any department in State Government.

Section 9. No funds appropriated under this Act shall be used to pay the following law enforcement benefits heretofore established by Acts of the Legislature:

- (1) Subsistence payments (Act No. 763, Regular Session, 1973),
- (2) Longevity pay (Act No. 206, Third Special Session, 1975),
- (3) Overtime pay (Act No. 127, Fourth Special Session, 1975),

to any state employees, other than to state employees regularly assigned to law enforcement duties. In no event, shall funds appropriated hereunder be used to pay any of the above mentioned benefits to Cabinet Members, Department or Agency heads, Assistant Department or Agency heads. Nothing contained in this section shall prohibit the payment of subsistence, longevity, or overtime pay to state employees who are classified under the State Merit System Law as state law enforcement officers in any state department or agency.

Section 10. Of the appropriation herein contained there is appropriated an amount to provide hospital-medical insurance assistance, excluding dental and life assistance.

Section 11. That, if any section, paragraph, sentence, clause, provision, or portion of the Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 12. That all laws and parts of laws, general, special, private, or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 13. That each Department of State funded through the provisions of this budget shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

Section 14. That this Act shall become effective October 1, 1978.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE AND CONFERENCE MESSAGE

On motion of Mr. Owen, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 244, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 32; Nays 3.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—32

*Nays:* Messrs. Foshee, McDonald (S), Perry.

—3

#### REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Ira D. Pruitt, Jr., to the State Ethics Commission.

On motion of Mr. Bank, the appointment of Mr. Pruitt to the State Ethics Commission was confirmed by the Senate.

Yeas 32; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee,

Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—32

*Nays:*

—0

REPORT OF COMMITTEE OF CONFERENCE  
ON S. B. 169

We the committee on Conference appointed to reconcile the differences of the two houses concerning S. B. 169 as substituted by the Senate and amended by the House have met in conference and have agreed to accept the above bill as substituted and amended, as per attached.

ROBERT T. CROWE,  
WAYLAND CROSS,  
JOEL M. FOLMAR,  
House Conferees.  
JOE FINE,  
OSCAR PEDEN,  
FRED R. JONES,  
Senate Conferees.

AMENDMENT TO SUBSTITUTE  
FOR SENATE BILL 169

Amend Substitute for Senate Bill 169, Section 1, (a), (1) beginning Line 27 to read as follows:

“(1) The director of the highway department or the official of the highway department designated by the director may, in his discretion, shall upon application and for good cause being shown therefor, issue a permit in writing authorizing the applicant to operate or move upon the state’s public roads a vehicle or combination of no more than two vehicles and loads whose weight, width, length or height, or combination thereof, exceeds the maximum limit specified by law; provided, that the load transported by such vehicle or vehicles is of such nature that it is a unit which cannot be readily dismantled or separated; however, bulldozers, and similar construction equipment shall not be deemed readily separable for purposes of this chapter; and further provided, that no permit shall be issued to any vehicle whose operation upon public roads of this state threatens to unduly damage a road or any appurtenances thereto.

SUBSTITUTE FOR S. B. 169

A BILL  
TO BE ENTITLED  
AN ACT

To amend further Section 32-9-29 of the 1975 Code of Alabama; so as to provide an exemption for certain loads to be transported.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-9-29 of the 1975 Code of Alabama is further amended to read as follows:

"Section 32-9-29. Permits for movement of oversized vehicles or loads.

"(a) Authorized; application; issuance; seasonal, etc., limitations; refusal, revocation or cancellation.

"(1) The director of the highway department or the official of the highway department designated by the director may, in his discretion, shall upon application and for good cause being shown therefor, issue a permit in writing authorizing the applicant to operate or mover upon the state's public roads a vehicle or combination of vehicles and loads whose weight, width, length or height, or combination thereof, exceeds the maximum limit specified by law; provided, that the load transported by such vehicle or vehicles is of such nature that it is a unit which cannot be readily dismantled or separated; however, bulldozers, and similar construction equipment shall not be deemed readily separable for purposes of this chapter; and further provided, that no permit shall be issued to any vehicle whose operation upon the public roads of this state threatens to unduly damage a road or any appurtenances thereto.

"(2) Permits may be issued on application to the department to persons, firms or corporations. The director of the highway department shall promulgate reasonable rules and regulations which are necessary or desirable governing the issuance of such permits; provided, that such rules and regulations shall not conflict with the provisions of this title and other provisions of law.

"(3) The original copy of every such permit shall be carried in the vehicle itself and shall be open to inspection by any police officer or state trooper or authorized agent of the highway department.

"(4) The application for any such permit shall specifically describe the type of permit applied for, as said types of permits are described in subsection (b) of this section, and the application for a single trip permit shall, in addition, describe the points of departure and destination.

"(5) The director of the highway department or the official of the highway department designated by the director is authorized to withhold such permit or, if such permit is issued, to establish seasonal or other time limitations within which the vehicles described may be operated on the public road indicated, or otherwise to limit or prescribe conditions of operation of such vehicle, when necessary to assure against undue damage to the road foundation, surfaces or bridge structures, and require such undertaking or other security as may be deemed necessary to compensate the state for any injury to any bridge structure.

"(6) For just cause, including, but not limited to, repeated and consistent past violations, the director of the highway department or an official of the highway department designated by the director may refuse to issue, or may cancel, suspend or revoke, the permit of an applicant or permittee.

"(b) Duration and limits of permits; bond or insurance requirements.

"(1) ANNUAL. The director of the highway department or the official of the highway department designated by the director may, pursuant to the provisions of this section, issue an annual permit which shall permit the vehicle or combination vehicle and load to be operated on the state highway

system of this state for 12 months from the date the permit is issued, even though the vehicle or its load exceeds the maximum limits specified in this article; provided, that an annual permit shall not authorize the operation of a vehicle including all enforcement tolerances:

"a. Whose total gross weight exceeds 150,000 pounds; provided, that gross weights over 100,000 pounds shall require advance routing by the highway department;

"b. Whose single axle weight exceeds 22,000 pounds;

"c. Whose total length exceeds 75 feet; with the exception of mobile homes, whose length limitations, including towing vehicle, shall be 85 feet;

"d. Whose total width exceeds 120 inches or whose load width exceeds 144 inches with the exception of mobile homes, whose width limitations shall be 168 inches; provided, that mobile homes whose width exceeds 144 inches shall require advance route approval by the highway department; or

"e. Whose height exceeds 14 feet.

"A permit to operate a vehicle which exceeds the statutory limits of height, weight, width or length shall be issued only on condition of payment of an indemnity bond or proof of insurance protection for \$300,000.00, said bond or insurance protection conditioned for payment to the highway department to be held in trust for the benefit of the owners of bridges and appurtenances thereof, traffic signals, signs or other highway structures damaged by a vehicle operating under authority of such over-weight permit. The liability under the bond or insurance certificate shall be contingent upon proof of negligence or fault on the part of the permittee, his agents or operators.

"(2) SINGLE TRIP. The director of the highway department may issue a single trip permit, pursuant to the provisions of this section, to any vehicle.

"(c) Fees. The director of the highway department may promulgate rules and regulations concerning the issuance of permits and charge a fee for the issuance as follows:

"(1) ANNUAL. Charges for the issuance of annual permits shall be as follows:

"a. For modular homes, sectional houses, portable buildings, boats and any vehicle or combination of vehicles, \$100.00; except, that a vehicle or combination of vehicles having trailer or combination of trailers with sidewalls or roof which has transported modular homes, sectional houses and portable buildings may, after depositing any said load, return unloaded to its point of origin, even though the unloaded vehicles exceed the 55 foot limitation provided for in this article, up to and including 12 feet wide and 75 feet long.

"b. For heavy commodities or equipment, overweight, overlength, over-height and overwidth, \$100.00. A tractor and trailer (low boy type) may, after depositing a load referred to in this subparagraph, return to its point of origin, even though the unloaded tractor and trailer (low boy type) may exceed the 55 foot limitation provided for in this article up to and including 12 feet wide and 75 feet long.

"c. For mobile homes up to and including 14 feet wide and 85 feet long, including towing vehicle, \$100.00.

"(2) SINGLE TRIP. Charges for the issuance of single trip permits shall be as follows:

"a. Mobile homes, modular homes, sectional houses, portable buildings and boats:

"1. Up to and including 12 feet wide and 75 feet long, \$10.00.

"2. Boats in excess of 12 feet wide, \$20.00.

"3. Mobile homes, modular homes, sectional houses and portable buildings in excess of 12 feet wide and/or 75 feet long, \$20.00.

"b. Heavy commodities or equipment:

"1. Over on any limitations as to length, height or width, \$10.00.

"2. Over on weight, as follows:

| WEIGHT PERMITTED                          | PERMIT FEE |
|---|------------|
| "From 80,001 pounds up to 100,000 pounds  | \$ 10.00   |
| "From 100,001 pounds up to 125,000 pounds | 30.00      |
| "From 125,001 pounds up to 150,000 pounds | 60.00      |
| "From 150,001 pounds and over             | 100.00     |

"c. Miscellaneous:

"1. Houses, \$20.00.

"2. Off-the-road equipment, \$10.00.

"3. Other oversized vehicles, loads and equipment not herein specified, \$20.00.

"4. Other overweight loads not herein specified, \$10.00.

"(d) Certain vehicles on interstate highways. Under the provisions of this section, fourteen feet wide vehicles and combination vehicles and load may be issued a permit to travel the interstate highways.

"(e) Violations of federal law, etc. No permit shall be issued under this section if the issuance of the permit would violate United States law or would cause the state of Alabama to lose federal-aid funds. Notwithstanding any provisions of any statute to the contrary, all permit fees collected in accordance with this section shall be paid to the public road and bridge fund in addition to any sums appropriated therefor to the highway department.

"(f) Farm and agricultural commodities and equipment exempt. The term 'heavy commodities or equipment,' as used in this section, is not intended to include farm and agricultural commodities or equipment, and such farm or agricultural commodities and equipment are exempt from the requirement of obtaining permits for movement on the state highway system of Alabama."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### CONFERENCE REPORT

On motion of Mr. Fine, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. 169. To amend Sections 32-9-1, 32-9-20, 32-9-24, 32-9-27, 32-9-29, 32-9-30, and 32-9-32 Code of Alabama 1975, as amended, which relate to height, weight, and width requirements for vehicles and loads traveling upon public roads and for the issuance of permits for the movement of oversized vehicles and loads upon the state's public roads, so as to transfer certain responsibilities concerning the regulation of such vehicles and oversized loads from the state highway department to the department of public safety; to provide further for the width requirements for vehicles and loads traveling the state's public roads; to further define loads which are not readily separable; to provide that any office of the department of public safety is authorized to issue certain oversized permits; to prohibit the travel of certain oversized vehicles on interstate highways; to deny the issuance of permits in violation of federal law; to exempt certain farm and agricultural commodities and equipment from the provisions of the title; and to authorize the department of public safety to establish and administer official weighing and measuring stations pursuant to the enforcement of the provisions of the title.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Little, McDonald (A), Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague.

—24

*Nays:*

—0

### REPORT OF COMMITTEE ON CONFERENCE

We the Committee on Conference appointed to reconcile the differences of the two houses concerning Senate Substitute for Senate Bill 608 have met in conference and have agreed to the following substitute:

#### A BILL TO BE ENTITLED AN ACT

To remove all restrictions relating to Public Employees of any County or City in the State of Alabama, pertaining to his right to participate in certain political activities and allow public employees the right of free expression in public welfare.

Be It Enacted by the Legislature of Alabama:

Section 1. (A) No person in the employment of any city, whether classified or unclassified, shall be denied the right to participate in county and state political activities to the same extent as any other citizen of the State of Alabama, including endorsing candidates and contributing to campaigns of his choosing.

(B) No person in the employment of any county, whether classified or unclassified, shall be denied the right to participate in city and state political activities to the same extent as any other citizen of the State of Alabama,



including endorsing candidates and contributing to campaigns of his choosing.

(C) No person in the employment of the State of Alabama, whether classified or unclassified, shall be denied the right to participate in city or county political activities to the same extent as any other citizen of the State of Alabama, including endorsing candidates and contributing to campaigns of his choosing.

(D) All persons in the employment of any city or county shall have the right to join local political clubs and organizations, and state or national political parties.

(E) All persons in the employment of any city or county shall have the right to publicly support issues of public welfare, circulate petitions calling for or in support of referendums, and contribute freely to those of his choosing.

Section 2. No person shall attempt to use his official authority or position for the purpose of influencing the vote or political action of any person. Any person who violates this section of this act shall be guilty of a felony punishable by a fine not to exceed \$10,000.00 or imprisonment in the State penitentiary for a period not to exceed (2) years, or both.

Section 3. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

DOUGLAS JOHNSTONE,  
ALVIN HOLMES,  
LARRY MORRIS,  
House Conferees.  
FRED R. JONES,  
U. W. CLEMON,  
JOHN BAKER,  
Senate Conferees.

### CONFERENCE REPORT

On motion of Mr. Clemon, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two House amendment to the Bill:

S. 608. To remove all restrictions relating to Public Employees of any County or City in the State of Alabama, pertaining to his right to participate in political activities and allow public employees the right of free expression in public welfare.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Little, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell,

Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—24

*Nays:*

—0

Mr. Clemon moved that the Senate reconsider the vote by which the Conference Report on the Bill, S. B. 608, was adopted, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 221. Relating to the manufacture and distribution of commercial feeds; requiring licensing of manufacturers of commercial feeds; requiring the labeling of such feeds; prohibiting the adulteration or misbranding of any commercial feeds; providing for the inspection of such feeds; authorizing the commissioner of agriculture and industries to promulgate certain rules and regulations for enforcement of the act; providing penalties for violations; and repealing Chapter 21, Title 2, Code of Alabama 1975.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Mims, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 221, the title of which is set out in the foregoing Message from the House, to-wit:

### SUBSTITUTE FOR SENATE BILL 221

#### A BILL TO BE ENTITLED AN ACT

Relating to the manufacture, sale and distribution of commercial feeds; requiring a license and prescribing the amount thereof to manufacture, distribute, sell or offer for sale commercial feeds; to define terms used herein, and to prescribe labeling requirements for commercial feed containers; to prohibit misbranding, adulteration and other practices relating to the manufacture, sale, offering for sale, or distribution of such feeds; to levy and collect an inspection fee upon commercial feeds sold and offered for sale in Alabama; to authorize the adoption of rules and regulations to effectuate the purpose of this act; to provide for inspection, sampling and analysis of commercial feeds, the suspension from sale and condemnation thereof when not in compliance with this Act; to levy monetary penalties where commercial feeds are deficient in constituents guaranteed on labeling or otherwise, and to provide for the disposition thereof; to authorize the publication of certain information concerning sale and distribution of commercial feeds, other administrative and enforcement procedures, penalties for violations of this act, its effective date, and to repeal Chapter 21 of Title 2, Code of Alabama, 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Title.—This Act shall be known as the Alabama Commercial Feed Law of 1978.

Section 2. Enforcing Official.—This Act shall be administered by the Commissioner of Agriculture and Industries of the State of Alabama, hereinafter referred to as the "Commissioner".

Section 3. Definitions of Words and Terms.—When used in this Act or in rules and regulations promulgated thereunder, the following words and terms shall have the meaning ascribed to them, except where the context clearly indicates otherwise:

(a) "brand name" means any word, name, symbol, or device, or any combination thereof, identifying the commercial feed of a distributor or licensee and distinguishing it from that of others.

(b) "commercial feed" includes customer-formula feed as this term is used in this act and means any material whether simple, mixed compound, ground, unground, organic or inorganic, used as a feed for animals other than man, or any material including minerals, vitamins, antibiotics, antioxidants, medicines, drugs, chemicals and other substances, materials or elements, or parts thereof intended for use or used as an ingredient or component of a mixture of materials, used as a feed for animals other than man; provided, however, that the commissioner, with approval of the Board and by regulation, may exempt from this definition or from specific provisions of this act, commodities such as unprocessed and unmixed whole seeds, hay, straw, stover, silage, cobs, husks, hulls, and individual chemical compounds or substance when such commodities, compounds or substances are not intermixed or mixed with other materials and are not adulterated within the meaning of Section 7(a) of this act.

(c) "container" means any bag, box, barrel, package, carton, object, apparatus, device, applicance or other container into which commercial feed is packed, stored, or placed for handling and transporting.

(d) "contract feeder" means a person who, as an independent contractor, feeds commercial feed to animals pursuant to a contract whereby such commercial feed is supplied, furnished, or otherwise provided to such person and whereby such person's remuneration is determined all or in part by feed consumption, mortality, profits, or amount or quality of product. A manufacturer of a "vertical-integrator feed" is not a contract feeder.

(e) "customer-formula feed" means commercial feed which consists of a mixture of commercial feeds and/or feed ingredients each batch of which is manufactured according to the specific instructions of the final purchaser.

(f) "distribute" means to offer for sale, sell, exchange, or barter commercial feed; or to supply, furnish, or otherwise provide commercial feed to a contract feeder.

(g) "distributor" means any person who distributes.

(h) "drug" means any substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than man and substances other than feed intended to affect the structure or any function of the animal body.

(i) "feed ingredient" means each of the constituent materials making up a commercial feed.

(j) "label" means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed is distributed, or on the invoice or delivery slip with which a commercial feed is distributed.

(k) "labeling" means all labels and other written, printed, or graphic matter (1) upon a commercial feed or any of its containers or wrapper, or (2) accompanying such commercial feed.

(l) "manufacture" means to grind, mix or blend, or further process a commercial feed for distribution.

(m) "mineral feed" means a commercial feed intended to supply primarily mineral elements or inorganic nutrients.

(n) "official sample" means a sample of feed taken by the commissioner or his agent in accordance with Section 11 of this act.

(o) "per cent" or "percentages" means parts per hundred by weight.

(p) "permitted analytical variation" means allowances for the inherent variability in sampling and in laboratory analyses of guaranteed components, as published by the Association of American Feed Control Officials from time to time in its official publication. Manufacturing variation and their effects on the guaranteed components are not included in such value.

(q) "person" includes individual, partnership, corporation, cooperatives and an association.

(r) "pet" means any domesticated animal normally maintained in or near the household(s) of the owner(s) thereof.

(s) "pet food" means any commercial feed prepared and distributed for consumption by pets.

(t) "product name" means the name of the commercial feed which identifies it as to kind, class, or specific use.

(u) "purchaser" and "customer-buyer" means any person, firm, organization, agency, association, or group who buys or otherwise acquires a commercial feed, customer-formula feed, or custom-mix or custom-mill services.

(v) "specialty pet" means any domesticated animal pet normally maintained in a cage or tank, such as, but not limited to, gerbils, hamsters, canaries, psittacine birds, mynahs, finches, tropical fish, goldfish, snakes and turtles.

(w) "specialty pet food" means any commercial feed prepared and distributed for consumption by specialty pets.

(x) "ton" means a net weight of two thousand pounds avoirdupois: the metric ton is a unit of weight equal to one thousand kilograms of 2204.62 pounds avoirdupois.

(y) "vertical-integrator feed" means a commercial feed manufactured for feeding livestock, poultry or aquatic animals that are owned by the person manufacturing the feed or that are owned by subsidiaries, parents or other business entities associated with the manufacturer through common ownership.

(z) "board" means the State Board of Agriculture and Industries.

Section 4. Licensing.—(a) No person shall manufacture or sell a commercial feed in this State, unless he has filed with the commissioner on forms provided by the commissioner, his name, place of business and location of each manufacturing facility from which feed may be shipped within or into this State.

(b) Such person shall apply for and obtain from the commissioner a license authorizing the sale and distribution of commercial feed. The application for a license shall be accompanied by the fee hereinafter required and shall be on forms furnished by the commissioner which shall contain such information as is necessary for the issuance of the license. All licensing shall expire on December 31 of each year and shall be renewed annually as of January 1 upon the filing of an application and payment of the required license fee. The license fee shall be based upon the number of tons of commercial feed sold or distributed in this State during the preceding twelve-month period ending December 31. The amount of the license fee shall be based upon the following schedule.

| Tons Sold                                   | License Fee |
|---|-------------|
| Less than 250 tons                          | \$ 30.00    |
| 250 tons or more but less than 500 tons     | 60.00       |
| 500 tons or more but less than 1,000 tons   | 200.00      |
| 1,000 tons or more but less than 2,000 tons | 250.00      |
| 2,000 tons or more but less than 4,000 tons | 300.00      |
| 4,000 tons or more but less than 8,000 tons | 350.00      |
| 8,000 tons or more                          | 400.00      |

If the license fee is not paid within a period of 30 days after the date on which payment thereof is due, a delinquent penalty of ten per cent (10%) of the total amount due or a minimum amount of \$10.00 shall be added to the license fee for such penalty. The license fee due hereunder, and delinquent penalty, shall constitute a debt and becomes the basis of judgment against the person required to obtain the license if not paid by such person as herein required. The amount of the license fee required to be paid by persons not previously distributing commercial feed into this State shall be the minimum fee of thirty dollars (\$30.00) which license shall also expire on December 31 following the date of issuance at which time said license shall be renewable in accordance with (a) of this Section.

(c) In the event of sale or other transfer of ownership of a commercial feed manufacturing or sale facility by a person who has a license as herein required, such license shall be transferred to the new owner, provided, however, the amount of such new owners license required on January 1 shall be governed by the amount of the person's previous sales from which said license was transferred.

It is hereby intended that every person who manufactures or formulates or labels any commercial feed which is sold in or for importation into this State, or any person who labels any such commercial feed and sells it in or for importation into this State, whether manufactured by such person or not, shall be required to procure a license and pay the fee therefor as herein required.

(d) Pursuant to rules and regulations any person making application for a license as required in (a) of this Section shall place on file with the commissioner the label for each and every brand of feed which such person shall sell, offer for sale or distribute for sale in this State. The label so filed with the commissioner shall be the official label for the commercial feed sold, offered for sale, or distributed for sale in this State. Any commercial feed sold, offered for sale, or distributed for sale with a label not on file or at variance with the official label shall be deemed misbranded and subject to the penalties of this act.

(e) The commissioner is empowered to refuse or cancel the license of any manufacturer whose commercial feed is not in compliance with the provisions of this act or to prevent the sale, offering for sale or distribution for sale of any commercial feed determined by official action to be harmful, detrimental or of no value when used in accordance with the label directions, provided that no action under this Section shall be final until the manufacturer shall have been given an opportunity to be heard before the commissioner.

Section 5. Labeling.—A commercial feed, regardless of the container in which it is shipped or sold, shall be labeled as follows:

(a) In case of a commercial feed, except a customer-formula feed, it shall be accompanied by a label bearing the following information: (1) The net weight. (2) The product name and the brand name, if any, under which the commercial feed is distributed. (3) The guaranteed analysis stated in such terms as the commissioner by regulation determines is required to advise the user of the composition of the feed or to support claims made in the labeling. In all cases the substances or elements must be determinable by laboratory methods such as the methods published by the Association of Official Analytical Chemists. (4) The common or usual name of each ingredient used in the manufacture of the commercial feed; provided, that the commissioner by regulation may permit the use of a collective term for a group of ingredients which perform a similar function, or he may exempt such commercial feeds, or any group thereof, from this requirement of an ingredient statement if he finds that such statement is not required in the interest of consumers. (5) The name and principal mailing address of the manufacturer or the person responsible for distributing the commercial feed. (6) Adequate directions for use for all commercial feeds containing drugs and for such other feeds as the commissioner may require by regulation as necessary for their safe and effective use. (7) Such precautionary statements as the commissioner by regulation determines are necessary for the safe and effective use of the commercial feed.

(b) In the case of a customer-formula feed, it shall be accompanied by a label, invoice, delivery slip, or other shipping document, bearing the following information: (1) Name and address of the manufacturer. (2) Name and address of the purchaser. (3) Date of delivery. (4) The product name and brand name, if any, and the net weight of each commercial feed used in the mixture, and the net weight of each other ingredient used. (5) Adequate directions for use for all customer-formula feeds containing drugs and for such other feeds as the commissioner may require by regulation necessary for their safe and effective use. (6) Such precautionary statements as the commissioner by regulation determines are necessary for the safe and effective use of the customer-formula feed.

(c) In the case of a "vertical-integrator feed" all the conditions specified under Section 5(b) for the customer-formula feed will apply except that the

records will be kept at the place of manufacture and need not accompany the feed as it is transported to point of use, except as required by the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Section 301, et seq.).

Section 6. Misbranding.—A commercial feed shall be deemed to be misbranded:

- (a) If its labeling is false or misleading in any particular.
- (b) If it is distributed under the name of another commercial feed.
- (c) If it is not labeled as required in Section 5 of this act.

(d) If it purports to be or is represented as a commercial feed, or if it purports to contain or is represented as containing a commercial feed ingredient, unless such commercial feed or feed ingredient conforms to the definition, if any, prescribed by regulation by the commissioner.

(e) If any word, statements or other information required by or under authority of this act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

Section 7. Adulteration.—A commercial feed shall be deemed to be adulterated:

(a) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such commercial feed shall not be considered adulterated under this subsection if the quantity of such substance in such commercial feed does not ordinarily render it injurious to health; or

(b) If it bears or contains any added poisonous, added deleterious, or added nonnutritive substance which is unsafe within the meaning of Section 406 of the Federal Food, Drug, and Cosmetic Act (other than one which is (1) a pesticide chemical in or on a raw agricultural commodity; or (2) a food additive); or

(c) If it is, or it bears or contains any food additive which is unsafe within the meaning of Section 409 of the Federal Food, Drug, and Cosmetic Act; or

(d) If it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of Section 408(a) of the Federal Food, Drug, and Cosmetic Act; provided, that where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or a tolerance prescribed under Section 408 of the Federal Food, Drug, and Cosmetic Act and such raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating, or milling, the residue of such pesticide chemical remaining in or on such processed feed shall not be deemed unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the concentration of such residue in the processed feed is not greater than the tolerance prescribed for the raw agricultural commodity unless the feeding of such processed feed will result or is likely to result in a pesticide residue in the edible product of the animal,

which is unsafe within the meaning of Section 408(a) of the Federal Food, Drug, and Cosmetic Act.

(e) If it is, or it bears or contains any color additive which is unsafe within the meaning of Section 706 of the Federal Food, Drug, and Cosmetic Act.

(f) If any valuable constituent has been in whole or in part omitted or abstracted therefrom or any less valuable substance substituted therefor.

(g) If its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling.

(h) If it contains a drug and the methods used in or the facilities or controls used for its manufacture, processing, or packaging do not conform to current good manufacturing practice regulations promulgated by the commissioner to assure that the drug meets the requirement of this act as to safety and has the identity and strength and meets the quality and purity characteristics which it purports or is represented to possess. In promulgating such regulations, the commissioner shall adopt the current good manufacturing practice regulations for medicated feed premixes and for medicated feeds established under authority of the Federal Food, Drug, and Cosmetic Act, unless he determines that they are not appropriate to the conditions which exist in this State.

(i) If it contains viable weed seeds in amounts exceeding the limits which the commissioner shall establish by rule or regulation.

Section 8. Prohibited Acts.—The following acts and the causing thereof within the State of Alabama are hereby prohibited:

(a) The manufacture or distribution of any commercial feed that is adulterated or misbranded.

(b) The adulteration or misbranding of any commercial feed.

(c) The distribution of agricultural commodities such as whole seed, hay, straw, stover, silage, cobs, husks, and hulls, which are adulterated within the meaning of Section 7(a), of this act.

(d) The removal or disposal of a commercial feed in violation of an order under Section 12 of this act.

(e) The failure or refusal to obtain a license in accordance with Section 4 of this act.

(f) The violation of Section 15 of this act.

(g) Failure to pay inspection fees and file reports as required by Section 9 of this act.

Section 9. Inspection Fees and Reports.—(a) An inspection fee at the rate of 20 cents per ton shall be paid on commercial feeds exempting bulk grain by the manufacturer or distributor of the commercial feed distributed in this State, except that: (1) The inspection fee shall be paid only once on any commercial feed, feed ingredient, customer-formula feed or parts thereof. Commercial feeds, feed ingredients, customer-formula feeds or parts thereof on which the inspection fee has not been paid by the distributor or previous distributor shall be subject to the inspection fee. (2) No fee shall be paid on "vertical-integrator feed" or on the ingredient used to manufacture a



"vertical-integrator feed." Any services the Department of Agriculture and Industries provides manufacturers of "vertical-integrator feed" in relation to this act shall be paid for according to fees established by the Board. (3) The minimum inspection fee required to be paid by any licensee shall be \$10.00 per quarter. (4) In the case of a commercial feed distributed in this State in packages or containers of less than six ounces an annual fee of \$25.00 per brand shall be paid the commissioner in lieu of the inspection fee specified above.

(b) Each person who is liable for the payment of such fee also shall: (1) File, not later than the last day of January, April, July and October of each year, a quarterly statement, setting forth the number of net tons of commercial feeds distributed in this State during the preceding calendar quarter; and upon filing such statement shall pay the inspection fee at the rate stated in paragraph (a) of this section. Inspection fees which are due and owing and have not been remitted to the commissioner within 15 days following the date due shall have a penalty fee of 15 per cent (minimum \$15) added to the amount due when payment is finally made. The assessment of this penalty fee shall not prevent the commissioner from taking other actions as provided in this act. (2) Keep such records as may be necessary or required by the commissioner to indicate accurately the tonnage of commercial feed distributed in this State, and the commissioner shall have the right to examine such records to verify statements of tonnage. Failure to make an accurate statement of tonnage or to pay the inspection fee or comply as provided herein shall constitute sufficient cause for the cancellation of the licenses on file for the distributor.

(c) Fees collected pursuant to the provisions of this Section including license fees collected under Section 4 of this Act shall be deposited to the credit of the Agricultural Fund of the State Treasury for the regulatory duties of the Department of Agriculture and Industries.

(d) Amounts improperly or illegally collected under the provisions of this Act as overpayments may be refunded to the person entitled thereto in accordance with Section 2-1-6, Code of Alabama 1975.

Section 10. Rules and Regulations.—(a) The commissioner, with the approval of the board, is authorized to promulgate such rules and regulations for commercial feeds and pet foods as are specifically authorized in this act and such other reasonable rules and regulations as may be necessary for the efficient enforcement of this act. In the interest of uniformity the commissioner shall by regulations adopt, unless he determines that they are inconsistent with the provisions of this act or are not appropriate to conditions which exist in this State, the following: (1) The official definitions of feed ingredients and official feed terms adopted by the Association of American Feed Control Officials and published in the official publication of that organization, and (2) Any regulation promulgated pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Section 301, et. seq.); provided, that the commissioner, with the approval of the board, would have the authority under this act to promulgate such regulations.

(b) Before the issuance, amendment or repeal of any rule or regulation authorized by this act, the commissioner shall give adequate notice of the proposed regulation, amendment, or notice to repeal an existing regulation in a manner reasonably calculated, to give interested parties including all current licensees, adequate notice and shall afford all interested persons an opportunity to present their views thereon, orally or in writing, within a

reasonable period of time. After consideration of all views presented by interested persons, the commissioner, with approval of the board, shall take appropriate action to adopt and promulgate the proposed rule or regulation or to amend or repeal an existing rule or regulation. The provisions of this paragraph notwithstanding, if the commissioner, pursuant to the authority of this act, adopts the official definitions of feed ingredient or official feed terms as adopted by the Association of American Feed Control Officials, or regulations promulgated pursuant to the authority of the Federal Food, Drug, and Cosmetic Act, any amendment or modification adopted by said association or by the secretary of health, education and welfare in the case of regulations promulgated pursuant to the Federal Food, Drug, and Cosmetic Act, shall be adopted automatically under this act without regard to the publication of the notice required by this paragraph (b), unless the commissioner, by order specifically determines that said amendment or modification shall not be adopted.

Section 11. Inspection, Sampling, and Analysis.—(a) For the purpose of enforcement of this act, and in order to determine whether its provisions have been complied with, including whether or not any operations may be subject to such provisions, officers or employees duly designated by the commissioner, upon presenting appropriate credentials to the owner, operator, or agent in charge are authorized: (1) to enter, during normal business hours, any factory, warehouse, or establishment within the State in which commercial feeds are manufactured, processed, packed, or held for distribution, or to enter any vehicle being used to transport or hold such feeds; and (2) to inspect at reasonable times and within reasonable limits and in a reasonable manner, such factory, warehouses, establishment or vehicle and all pertinent equipment, finished and unfinished materials, containers, and labeling therein. The inspection may include the verification of only such records, and production and control procedures as may be necessary to determine compliance with the good manufacturing practice regulations established under Section 7(d) of this act.

(b) Each inspection shall be commenced and completed with reasonable promptness. Upon completion of the inspection, the person in charge of the facility or vehicle shall be so notified and presented a copy of the inspection report, which will include a record of all samples taken.

(c) If the officer or employee making such inspection of a factory, warehouse, or other establishment has obtained a sample in the course of the inspection, upon completion of the inspection and prior to leaving the premises he shall offer to leave with the owner-operator, or agent in charge, a duplicate sample.

(d) If the owner of any factory, warehouse, or establishment described in paragraph (a), or his agent, refuses to admit the commissioner or his agent to inspect in accordance with paragraph (a) and (b), the commissioner is authorized to obtain from any state court a warrant directing such owner or his agent to submit the premises described in such warrant to inspection.

(e) For the purpose of the enforcement of this act, the commissioner or his duly designated agent is authorized to enter upon any public or private premises including any vehicle or transport during regular business hours to have access to, and to obtain samples, and to examine records relating to distribution of commercial feeds.

(f) Sampling and analysis shall be conducted in accordance with methods published by the Association of Official Analytical Chemists, or in

accordance with other generally recognized methods approved by the commissioner.

(g) The results of all analyses of official samples revealing deficiencies shall be forwarded by the commissioner to the person named on label and to the purchaser when he can be located. When the inspection and analysis of an official sample indicates a commercial feed is in violation of the provisions of this act and upon request within 30 days following receipt of the analysis, the commissioner shall furnish to the licensee a portion of the sample concerned.

(h) The commissioner, in determining for administrative purposes whether a commercial feed is deficient in any component, shall be guided by the permitted analytical variation as defined in paragraph (p) of Section 3 and obtained and analyzed as provided for in paragraphs (c), (e), and (f) of Section 11 of this act.

(i) Penalties may be invoked if the analysis of a sample shows a deviation from "permitted analytical variation" established by the commissioner and established in rules and regulations of this act.

(j) For repeated or flagrant violations, the commissioner may cancel the manufacturers license.

(k) Samples and portions of samples shall be retained according to sample retention times established by the commissioner in the rules and regulations.

**Section 12. Stop Sale Order, Seizure and Condemnation.**—When the commissioner or his duly authorized agent has reasonable cause to believe that any lot or other quantity of commercial feed is being distributed, sold or offered for sale or kept for sale in violation of any of the requirements of this act or rules or regulations adopted under said act, he may issue and enforce a written or printed "stop sale" or "suspension from sale" order warning the distributor not to dispose of the lots of commercial feed in the manner as provided by Title 2, Section 2-2-30, Code of Alabama 1975. Any lot or other quantity of commercial feed not in compliance with this act or rules and regulations adopted thereunder shall also be subject to seizure and condemnation on complaint of the commissioner filed in the Circuit Court in accordance with the procedure and requirements of Title 2, Sections 2-2-31 and 2-2-32 of the Code of Alabama 1975.

**Section 13. Short Weight.**—If any commercial feed in the possession of or consigned to the purchaser is found by the commissioner to be short in weight, the licensee who manufactures or distributes said commercial feed shall, within thirty day after official notice from the commissioner, pay to the purchaser a penalty equal to four times the value of the actual shortage. The commissioner, by regulation and with approval of the board may allow reasonable tolerances for short weight due to loss through handling and transportation.

**Section 14. Feed Deficiency Penalties.**—If a commercial feed is found to be deficient in a constituent guaranteed on the label by more than one "permitted analytical variation", a monetary penalty is assessed in an amount equal to 5 per cent of the purchase price of the product and 10 per cent for each additional "permitted analytical variation deficiency". An exception to this penalty rate will apply for nutrients in commercial feeds where the level in the feed is guaranteed to be 1.5 per cent or less. If these nutrients are found to be deficient by one "permitted analytical variation", a monetary

penalty is assessed in the amount of 2 per cent of the purchase price and 2 per cent for each additional "permitted analytical variation". The total penalty assessed under this section for major and minor constituents shall not exceed 25 per cent of the selling price of the feed with a minimum penalty of \$10.00.

Penalties assessed under this section shall be paid by the guarantor of the feed to the consumer of the feed within 60 days from the date of notice if the consumer can be identified and located. The commissioner shall be notified of such payment in a form and manner prescribed in rules and regulations. When the consumer cannot be identified and located, then the penalty shall be paid to the commissioner for deposit to the credit of the agricultural fund of the State Treasury.

**Section 15. Recovery of Penalty.**—In any case wherein the licensee fails or refuses to make payment of a penalty to the purchaser within the time required, the purchaser may institute legal action against the licensee for the recovery of such penalty as provided in Sections 13 and 14 of this act. Any judgment against the licensee shall be double the amount of the penalty and shall include a reasonable attorney's fee and court costs. In cases where the licensee is required to pay the amount of any penalty to the commissioner for deposit to the credit of the agricultural fund, and the licensee fails or refuses to make such payment within the time required, the commissioner may institute legal action in a court of competent jurisdiction for collection of the amount of the penalty upon ten days' notice to the licensee following the sixty day payment period.

**Section 16. Penalties.**—(a) Any person who shall violate any of the provisions of this act or who fails to perform any duty or requirement imposed by the provisions of this act or who violates any rule or regulation duly promulgated hereunder or who shall sell or offer for sale or distribute for sale any commercial feed in violation of the requirements of this act shall be guilty of a misdemeanor and upon conviction shall be punished as now prescribed by law for such an offense. Fines paid for such violations shall be deposited in the State Treasury to the credit of the agricultural funds.

(b) In addition to the penalty provided hereunder, the commissioner may apply by petition or complaint to the circuit court and such court, or any judge thereof, shall have jurisdiction and for cause shown to grant a temporary or permanent injunction, or both, restraining and enjoining any person from violating or continuing to violate any of the provisions and requirements of this act or any rule or regulation promulgated under authority of this act. Such injunction shall be issued without bond. Petitions for injunctive relief as authorized hereunder shall be filed in the circuit court of the county of residence of the defendant or in the county where such violation or violations occurred.

(c) **Warning Notice.** Nothing in this act shall be construed as requiring the commissioner or his representative to: (1) report for prosecution, (2) institute seizure proceedings, or (3) issue a withdrawal from distribution order as a result of minor violation of this act, when he believes the public interest will best be served by suitable notice of warning in writing.

**Section 17. Restricted Information.**—Any person who seeks to his own advantage or reveals to other than the commissioner or officers of the commissioner (appropriate department of this state) or to the court when relevant in any judicial proceeding any information acquired under the authority of this act concerning any method, record, formulation, or processes which as a trade secret is entitled to protection, is guilty of a misdemeanor and shall on

conviction thereof be fined not less than five hundred dollars or imprisoned for not more than six months or both; provided that this prohibition shall not be deemed as prohibiting the commissioner or his duly authorized agent from exchanging information of a regulatory nature with duly appointed officials of the United State government or all other states who are similarly prohibited by law from revealing this information.

Section 18. Cooperation with Other Entities.—The commissioner may cooperate with and enter into agreements with governmental agencies of this State, other states, agencies of the Federal government, and private associations in order to carry out the purpose and provisions of this act.

Section 19. Publication.—The commissioner may publish annually, in such forms as he may deem proper, information concerning the sales of commercial feeds, together with such data on their production and use as he may consider advisable, provided, that the information concerning production and use of commercial feed shall not disclose the operations of any persons.

Section 20. Severability.—If any clause, sentence, paragraph, or part of this act shall for any reason be declared invalid or unconstitutional, such declaration shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 21. Repeal.—All laws and parts of laws in conflict with the provisions of this act are hereby repealed. Chapter 21 of Title 2, Code of Alabama 1975 is hereby expressly repealed.

Section 22. Effective Date.—This act shall become effective on January 1, 1979.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), Mims, Noonan, Owen, Pearson, Peden, Perloff, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop.

—25

*Nays:*

—0

#### FURTHER CONSIDERATION OF H. B. 137

The Senate proceeded to further consideration of the Bill, H. B. 137.

The question was on the amendment offered by Mr. Perry.

On motion of Mr. Gilmore, said amendment was laid on the table.

Mr. Owen offered the following substitute for the Bill, H. B. 137, to-wit:

#### SUBSTITUTE FOR H. B. 137

#### A BILL TO BE ENTITLED AN ACT

To make an appropriation to the various public school systems of the

state from the Special Educational Trust Fund for the purpose of libraries in the public elementary and secondary schools and in the post secondary two year institutions of higher learning under the jurisdiction of the State Board of Education.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to the various public school systems of the state from the Special Educational Trust Fund \$5.00 per student enrolled in the public elementary and secondary school systems of Alabama and in the post secondary two year institutions now under the jurisdiction of the State Board of Education, as of the end of the school year in 1978, for the fiscal year ending September 30, 1979. This appropriation shall be in addition to any and all other funds heretofore or hereinafter appropriated for library purposes in the Alabama public school system. This appropriation shall be expended under the rules and regulations approved by the State Board of Education.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—27

*Nays:*

—0

And said Bill, H. B. 137, as thus amended by the substitute, was read a third time at length and passed.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—30

*Nays:*

—0

#### FURTHER CONSIDERATION OF S. B. 760

The Senate proceeded to further consideration of the Bill, S. B. 760.

The question was on the motion of Mr. Baker that the Senate concur in the House amendment to the Bill, S. B. 760.

By unanimous consent, Mr. Baker withdrew said motion.

Mr. Baker then moved that the Senate non-concur in the House amend-

ment to the Bill, S. B. 760, and request a Committee on Conference which motion was adopted.

Yeas 23; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Higginbotham, Jones, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Shelby, Vacca, Wilson.

—23

*Nays:*

—0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Baker, Bank, and Peden.

### UNFINISHED BUSINESS

#### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the second item of Unfinished Business for today, which was the Bill:

H. 128. To comply with the Omnibus Crime Control and Safe Streets Act of 1968, (PL 90-351), as amended and establishes the ALABAMA LAW ENFORCEMENT PLANNING AGENCY.

The question was on the Peden amendment to the Bill, H. B. 128, which said amendment is set out in the Journal of the Senate for the Twenty-ninth Legislative Day.

On motion of Mr. Fine, said amendment was laid on the table.

And said Bill, H. B. 128, was read a third time at length and passed.

Yeas 30; Nays 1.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—30

*Nay:* Mr. Jones.

—1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 464. CREATING THE JOINT LEGISLATIVE STUDY COMMITTEE ON THE ECONOMICAL IMPACT OF THE BUSINESS ENTERPRISES OF THE UNIFICATION CHURCH, AND ITS AFFILIATES, ON THE SEAFOOD, FISHING, AND RELATED INDUSTRIES OF THIS STATE.

JOHN W. PEMBERTON,  
Clerk.

## BILLS ON THIRD READING RESUMED

The Bill:

H. 769. To required the State Building Commission to adopt, promulgate and enforce a state building code which contains energy conservation measures; to provide that said code is to be used in all future construction or remodeling of buildings which are constructed with state appropriated funds; to prescribe duties for the director of technical staff and to establish minimal energy conservation criteria.

Was read a third time at length and passed.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—26

*Nays:*

—0

The Bill:

H. 123. To make an appropriation from the state treasury for the relief of J. W. Hunter.

Was read a third time at length and passed.

Yeas 26; Nays 1.

*Yeas:*

Messrs. Bank, Clemon, Ellis, Fine, Foshee, Goodwin, Higginbotham, Jones, King, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—26

*Nay:* Mr. Little.

—1

## MOTION TO RECONSIDER

Mr. Noonan moved that the Senate reconsider the vote by which the Bill, H. B. 54, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

## REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint



Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 611. URGING THE WATER SAFETY PATROL DIVISION TO THE ALABAMA CONSERVATION DEPARTMENT TO CENTRALIZE THE ISSUANCE OF ALL BOAT REGISTRATIONS.

On motion of Mr. Fine, said Resolution was then concurred in adopted by the Senate.

### BILLS ON THIRD READING RESUMED

The Bill:

H. 480. To make an appropriation to the state board of social work examiners from the state board of social work examiners' fund which is on deposit in the state treasury, for purposes of salaries and other expenses.

Was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Pearson, Peden, Perloff, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—26

Nays:

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 249. To make appropriations for the support and maintenance of the Marion Military Institute.

Also:

H. 442. To make appropriations for the support and maintenance of the Walker County Junior College.

Also:

H. 452. To make appropriations for the support and maintenance of the Tuskegee Institute.

Also:

H. 451. To make appropriations for the support and maintenance of the Talladega College.

Also:

H. 486. To make appropriations for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1979.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 244. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, and for interest on the public debt and for the public schools for the fiscal year beginning October 1, 1978.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

## BILLS ON THIRD READING RESUMED

The Bill:

H. 10. To amend Section 9910 of Act No. 607, S. 33, 1977 Regular Session of the Alabama Legislature, commonly known as the "Alabama Criminal Code" so as to delay the effective date one additional year.

Was taken up.

Mr. Clemon offered the following substitute for the Bill, H. B. 10, to-wit:

## CLEMON SUBSTITUTE FOR H. B. 10

A BILL  
TO BE ENTITLED  
AN ACT

To amend Sections 130, 1230, 2611, 2612, 3202, 3203, 3204, 3207, 3208, 3210, 3250, 3280, 4045, 4115, 4601, 4608, 4705, 5511, 5530, and 9901 of Act No. 607, S. 33, Regular Session 1977 (Acts of Alabama 1977, p. 812), entitled, "An Act To provide an entirely new criminal code for the State of Alabama; defining offenses, fixing punishment; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act."

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 130, 1230, 2611, 2612, 3202, 3203, 3204, 3207, 3208, 3210, 3250, 3280, 4045, 4115, 4601, 4608, 4705, 5511, 5530, and 9901 of Act No. 607, S. 33, Regular Session 1977 (Acts of Alabama 1977, p. 812), the Alabama Criminal Code, are hereby amended to read as follows:

"Sec. 130. Definitions of Terms of General Use.

Unless different meanings are expressly specified in the subsequent provisions of this act, the following terms have the following meanings:

"(1) "Offense" means conduct for which a sentence to a term of imprisonment, or the death penalty, or to a fine is provided by any law of this state or by any law, local law or ordinance of a political subdivision of this state.

"(2) "Violation" means an offense for which a sentence to a term of imprisonment not in excess of 30 days may be imposed.

"(3) "Misdemeanor" means an offense for which a sentence to a term of imprisonment not in excess of one year may be imposed.

"(4) "Felony" means an offense for which a sentence to a term of imprisonment in excess of one year is authorized by this act.

"(5) "Crime" means a misdemeanor or a felony.

"(6) "Person" means a human being, and where appropriate, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality.

"(7) "Possess" means to have physical possession or otherwise to exercise dominion or control over tangible property.

"(8) "Physical injury" means impairment of physical condition or substantial pain.

"(9) "Serious physical injury" means physical injury which creates a substantial risk of death, or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment or the function of any bodily organ.

"(10) "Deadly physical force" means physical force which, under the circumstances in which it is used, is readily capable of causing death or serious physical injury.

"(11) "Deadly weapon" means a firearm or anything manifestly designed, made, or adapted for the purposes of inflicting death or serious physical injury, and includes, but is not limited to, a pistol, rifle, or shotgun; or a switch-blade knife, gravity knife, stiletto, sword, or dagger; or any billy, blackjack, bludgeon or metal knuckles.

"(12) "Dangerous instrument" means any instrument, articles, or substance which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is highly capable of causing death or serious physical injury, and includes a "vehicle" as that term is defined in subparagraph (13).

"Sec. 2611. Burglary in the Second Degree.

(1) A person commits the crime of burglary in the second degree if he knowingly enters or remains unlawfully in a building with intent to commit theft or a felony therein, and, if in effecting entry, or while in the building or in immediate flight therefrom, he or another participant in the crime:

(a) Is armed with explosives or a deadly weapon; or

(b) Causes physical injury to any person who is not a participant in the crime; or

(c) Causes or threatens immediate physical injury by use of a dangerous instrument.

(2) In the alternative to Subsection (1) hereof, a person commits the crime of burglary in the second degree if he unlawfully enters a lawfully occupied dwelling-house with intent to commit a theft or a felony therein.

(3) Burglary in the second degree in a Class B felony."

"(13) "Vehicle" means any "propelled vehicle" as defined in § 3280(9) of this act and includes any propelled device by which any person or property is transported on land, water, or in the air, and includes motor vehicles, motorcycles, motorboats, and aircraft, and any vessel whether propelled by machinery or not.

"(14) "Burden of injecting the issue" means that the defendant must offer some competent evidence relating to all matters subject to the burden, except that the defendant may rely upon evidence presented by the prosecution in meeting the burden.

"Sec. 1230. Sentences of Imprisonment for Misdemeanors and Violations.

"(1) Sentences for misdemeanors shall be a definite term of imprisonment in the county jail or to hard labor for the county, within the following limitations:

"(a) For a Class A misdemeanor, not more than 1 year.

"(b) For a Class B misdemeanor, not more than 6 months.

"(c) For a Class C misdemeanor, not more than 3 months.

"(2) Sentences for violations shall be for a definite term of imprisonment in the county jail, not to exceed 30 days.

"Sec. 3202. Theft of Property in the First Degree.

"(1) The theft of property which exceeds \$1,000 in value, or property of any value taken from the person of another constitutes theft of property in the first degree.

"(2) The theft of a motor vehicle, regardless of its value, constitutes theft of property in the first degree.

"(3) Theft of property in the first degree in a Class B felony.

"Sec. 3203. Theft of Property in the Second Degree.

"(1) The theft of property which exceeds \$250 \$100 in value but does not exceed \$1,000 in value, and which is not taken from the person of another, constitutes theft of property in the second degree.

"(2) Theft of property in the second degree is a Class C felony.

"(3) The theft of a credit card or a debit card, regardless of its value, constitutes theft of property in the second degree.

"(4) The theft of a firearm, rifle or shotgun, regardless of its value, constitutes theft of property in the second degree.

"(5) The theft of property which exceeds \$25 in value, and which is taken from or in a building where said property is sold or stored, constitutes theft of property in the second degree.

"Sec. 3204. Theft of Property in the Third Degree.

"(1) The theft of property which does not exceed \$250 \$100 in value and which is not taken from the person of another or the theft of property which does not exceed \$25 in value if taken from or in a building where said property is sold or stored constitutes theft of property in the third degree.

"(2) Theft of property in the third degree is a Class A misdemeanor.

"Sec. 3207. Theft of Lost Property in the Second Degree.

"(1) The theft of lost property which exceeds \$250 \$100 in value but does not exceed \$1,000 in value constitutes theft of lost property in the second degree.

"(2) Theft of lost property in the second degree is a Class C felony.

"Sec. 3208. Theft of Lost Property in the Third Degree.

"(1) The theft of lost property which does not exceed \$250 \$100 in value constitutes theft of lost property in the third degree.

"(2) Theft of lost property in the third degree in a Class A misdemeanor.

"Sec. 3210. Theft of Services: Definition.

"(A) Definition.

"(1) A person commits the crime of theft of services if:

"(a) He intentionally obtains services known by him to be available only for compensation by deception, threat, false token or other means to avoid payment for the services; or

"(b) Having control over the disposition of services of others to which he is not entitled, he knowingly diverts those services to his own benefit or to the benefit of another not entitled thereto.

"(2) "Services" includes but is not necessarily limited to labor, professional services, transportation, telephone or other public services, accommodation in motels, hotels, restaurants or elsewhere, admission to exhibitions, computer services, and the supplying of equipment for use.

"(3) Where compensation for services is ordinarily paid immediately upon rendering of them, as in the case of motels, hotels, restaurants and the like, absconding without payment or bona fide offer to pay is prima facie evidence under section (1) that the services were obtained by deception.

"(4) If services are obtained under subparagraph (1)(a) from a hotel,

motel, inn, restaurant or cafe, no prosecution can be maintained after 120 days from the time of the offense.

"(5) Theft of services is a Class A misdemeanor.

"(B) Theft of Services in the First Degree.

"(1) The theft of services which exceeds \$2,000 in value constitutes theft of services in the first degree.

"(2) Theft of services in the first degree is a Class B felony.

"(C) Theft of Services in the Second Degree.

"(1) The theft of services which exceeds \$100 in value but does not exceed \$2,000 in value constitutes theft of services in the second degree.

"(2) Theft of services in the second degree is a Class C felony.

"(D) Theft of Services in the Third Degree.

"(1) The theft of services which does not exceed \$100 in value constitutes theft of services in the third degree.

"(2) Theft of services in the third degree is a Class A misdemeanor.

"Sec. 3250. Obscuring Identity of Vehicle.

"(1) A person commits the crime of obscuring identity of a vehicle if:

"(a) He obscures the manufacturer's serial number or any other distinguishing identification number or mark upon any vehicle or component part thereof, except tires, with intent to render it unidentifiable; or

"(b) He possesses a vehicle or component part thereof knowing that the manufacturer's serial number or other identification number or mark has been obscured unless he legally acquired ownership of the vehicle or part before the manufacturer's serial number was obscured or before he knew it was obscured.

"(2) "Obscure" means to remove, deface, cover, alter, destroy, or otherwise render unidentifiable.

"(3) "Vehicle" means any propelled device in, upon, or by which any person or property is transported on land, water, or in the air, including stationary rails or tracks, and includes motor vehicles, motorboats, vessels, and aircraft.

"(4) Proof that a person has obscured the manufacturer's serial number or other distinguishing identification number or mark on a vehicle is prima facie evidence that he did so with the intent to render it unidentifiable within the meaning of subparagraph (1)(a).

"(5) Possession of a vehicle held for sale in the course of business on which the serial number or other identification number or mark has been obscured is prima facie evidence of knowledge of that fact.

"(6) A report by the defendant to the police or other appropriate government agency before arrest in a defense to a charge of violating subparagraph (1)(b). The burden of injecting this issue is on the defendant, but this does not shift the burden of proof.

"(7) Obscuring identity of a vehicle is a Class A misdemeanor. C felony.

"Sec. 3280. Definitions for Chapter 32.

"The following definitions are applicable in this chapter unless the context otherwise requires.

"(1) "Deception" occurs when a person knowingly:

"(a) Creates or confirms another's impression which is false and which the defendant does not believe to be true; or

"(b) Fails to correct a false impression which the defendant previously had created or confirmed; or

"(c) Fails to correct a false impression when the defendant is under a duty to do so; or

"(d) Prevents another from acquiring information pertinent to the disposition of the property involved; or

"(e) Sells or otherwise transfers or encumbers property, failing to disclose a lien, adverse claim, or other legal impediment to the enjoyment of the property when the defendant is under a duty to do so, whether that impediment is or is not valid, or is not a matter of official record; or

"(f) Promises performance which the defendant does not intend to perform or knows will not be performed. Failure to perform standing alone, however, is not proof that the defendant did not intend to perform.

"The term "deception" does not however, include falsity as to matters have no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons. "Puffing" means an exaggerated commendation of wares or services.

"(2) To "deprive . . ." means:

"(a) To withhold property or cause it to be withheld from a person permanently or for such period or under such circumstances that all or a portion of its use or benefits would be lost to him; or

"(b) To dispose of the property so as to make it unlikely that the owner would recover it; or

"(c) To retain the property with intent to restore it to the owner only if the owner purchases or leases it back, or pays a reward or other compensation for its return; or

"(d) To sell, give, pledge, or otherwise transfer any interest in the property;

"(e) To subject the property to the claim of a person other than the owner.

"(3) "Financial institution" means a bank, insurance company, credit union, safety deposit company, savings and loan association, investment trust, or other organization held out to the public as a place of deposit of funds or medium of savings or collective investment.

"(4) "Firearm" means a weapon from which a shot is discharged by gunpowder.

"(5) "Government" means the United States, any state or any county,

municipality or other political unit within territory belonging to the United States, or any department, agency, or subdivision of any of the foregoing, or any corporation or other association carrying out the functions of government, or any corporation or agency formed pursuant to interstate compact or international treaty.

"As used in this definition "State" includes any state, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(6) "Obtains" means:

"(a) In relation to property, to bring about a transfer or purported transfer of a legally recognized interest in the property, whether to the obtainer or another; or

"(b) In relation to labor or service, to secure performance thereof.

"(7) "Obtains or exerts control" or "obtains or exerts unauthorized control" over property includes but is not necessarily limited to the taking, carrying away, or the sale, conveyance, or transfer of title to, or interest in, or possession of property, and includes but is not necessarily limited to conduct heretofore defined or known as common-law larceny by trespassory taking, common-law larceny by trick, larceny by conversion, embezzlement, extortion, or obtaining property by false pretenses.

"(8) "Owner" means a person, other than the defendant, who has possession of or any interest in the property involved, even though that interest or possession is unlawful, and without whose consent the defendant has no authority to exert control over the property.

"A secured party as defined in § 9-105(i) of the Uniform Commercial Code is not an owner in relation to a defendant who is a debtor, as defined in § 9-105(d) of the Uniform Commercial Code, in respect of property in which the secured party has a security interest, as defined in § 1-201(37) of the Uniform Commercial Code.

"(9) "Propelled vehicle" means any propelled device in, upon, or by which any person or property is transported by land, water, or in the air, and includes motor vehicles, motorcycles, motorboats, aircraft, and any vessel propelled by machinery whether or not that machinery is the principal source of propulsion.

"(10) "Property" means any money, tangible or intangible personal property, property (whether real or personal) the location of which can be changed (including things growing on, affixed to, or found in land and documents although the rights represented hereby have no physical location), contract right, chose-in-action, interest in or claim to wealth, credit, or any other article or thing of value of any kind.

"Commodities of a public utility nature such as gas, electricity, steam and water constitute property, but the supplying of such a commodity to premises from an outside source by means of wires, pipes, conduits or other equipment shall be deemed a rendition of a service rather than a sale or delivery of property. (See § 3210(2) Theft of Services.)

"(11) "Receiving" includes but is not limited to acquiring possession, control, or title and taking a security interest in the property.

"(12) "Stolen" means obtained by theft, theft by appropriating lost property, robbery, or extortion.



"(13) "Threat" means a menace, however communicated to:

"(a) Cause physical harm in the future to the person threatened to or any other person; or

"(b) Cause damage to property; or

"(c) Subject the person threatened or any other person to physical confinement or restraint; or

"(d) Engage in other conduct constituting a crime; or

"(e) Accuse any person of a crime or cause criminal charges to be instituted against any person; or

"(f) Expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt or ridicule; or

"(g) Reveal any information sought to be concealed by the person threatened; or

"(h) Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

"(i) Take action as an official against anyone or anything; or withhold official action, or cause such action or withholding; or

"(j) Bring about or continue a strike, boycott, or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or

"(k) Do any other act which would not in itself substantially benefit the actor but which is calculated to harm substantially another person with respect to his health, safety, business, calling, career, financial condition, reputation, or personal relationships.

"(14) "Value" means the market value of the property at the time and place of the criminal act.

"Whether or not they have been issued or delivered, certain written instruments, not including those having a readily ascertainable market value such as some public and corporate bonds and securities shall be evaluated as follows:

"(a) The value of an instrument constituting an evidence of debt, such as a check, draft or promissory note, shall be deemed the amount due or collectible thereon or thereby, that figure ordinarily being the face amount of indebtedness less any portion thereof which has been satisfied.

"(b) The value of any other instrument that creates, releases, discharges, or otherwise affects any valuable legal right, privilege, or obligation shall be deemed the greatest amount of economic loss of the instrument.

"When the value of property cannot be ascertained pursuant to the standards set forth above, its value shall be deemed to be an amount not exceeding \$250 \$100.

"Amounts involved in thefts committed pursuant to one scheme or course of conduct, whether from the same person or several persons, may be

aggravated in determining the grade of the offense, provided, however, that only one conviction may be had and only one sentence enforced for all thefts included in such aggregate.

"Sec. 4045. Illegal Possession of or Fraudulent Use of Credit Card or Debit Card.

"(1) A person commits the crime of illegal possession of a credit or debit card if knowing that he does not have the consent of the owner, he takes, exercises control over, or otherwise uses such card.

"(1)"(2) A person commits the crime of fraudulent use of a credit card or debit card if he uses, attempts to use or allows to be used, a credit card or debit card for the purpose of obtaining property, services or anything else of value with knowledge that:

"(a) The card is stolen; or

"(b) The card has been revoked or canceled; or

"(c) For any other reason his use of the card is unauthorized by either the issuer or the person to whom the credit card or debit card is issued.

"The mere use by the original issuee of a credit card or debit card which has expired is not within the provisions of Section 4045 (1)(c).

"(2)" (3) "Credit Card" means any instrument, writing or other evidence, whether known as a credit card, credit plate, charge plate or by any other name, which purports to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer.

"(3)" (4) "Debit card" means any instrument or writing or other evidence known by any name issued with or without fee by an issuer for the use of a depositor in obtaining money, goods, services or anything else of value, payment of which is made against funds previously deposited in an account with the issuer.

"(4)" (5) Illegal Possession of or Fraudulent use of a credit card or debit card is a Class A misdemeanor.

"Section 4115. Bait Advertising

"(1) A person commits the crime of bait advertising if in any manner including advertising or other means of communication to the public or to a substantial number of persons, he offers to sell property or services with the intent plan or purpose not to sell or provide the advertised property or services:

"(a) At the price at which he offered them; or

"(b) In a quantity sufficient to meet the reasonably expected public demand, unless the quantity is specifically stated in the advertisement, or advertisement discloses a limitation of quantity; or

"(c) At all

"(2) Bait advertising is a Class A misdemeanor.

"Sec. 4601. Definition of Terms.

"(1) The definition contained in 4501 are applicable in this chapter unless the context requires otherwise.

"(2) "Custody" means a restraint or detention by a public servant pursuant to a lawful arrest, conviction, or order of court, but does not include mere supervision of probation or Parole, or constraint incidental to release on bail.

"(3) "Detention facility" means any place used for the confinement, pursuant to law, of a person:

"(a) Charged with or convicted of a criminal offense; or

"(b) Charged with being or adjudicated a youthful offender, or a neglected minor or juvenile delinquent; or

"(c) Held for extradition; or

"(d) Otherwise confined pursuant to an order of court.

"(4) "Penal facility" means any maximum or medium security correctional institution for the confinement of persons arrested for, charged with, or convicted of a criminal offense, including but not limited to the following maximum or medium security facilities; the state penitentiary and any branch thereof; any county or city jail; the Alabama Boys Industrial School, and the State Training School for Girls.

"(5) "Contraband means any article or thing which a person confined in a detention facility is legally prohibited from obtaining or possession by statute, rule, regulation or order.

"Sec. 4608. Escape in the Third Degree.

"(1) A person commits the offense of escape in the third degree if he escapes or attempts to escape from custody.

"(2) Escape in the third degree is a Class A misdemeanor C felony.

"Sec. 4705. Bribery.

"(1) A person commits the crime of bribery if:

"(a) He offers, confers or agrees to confer any pecuniary benefit thing of value upon a public servant with the intent that the public servant's vote, opinion, judgement, exercise of discretion or other action in his official capacity will thereby be corruptly influenced; or

"(b) While a public servant, he solicits, accepts or agrees to accept any pecuniary benefit upon an agreement or understanding that his vote, opinion, judgement, exercise of discretion or other action as a public servant will thereby be corruptly influenced.

"(2) It is not a defense to a prosecution under this section that the person sought to be influenced was not qualified to act in the desired way, whether because he had not yet assumed office, lacked jurisdiction, or for any other reason.

"(3) Bribery is a Class C felony.

"Sec. 5511. Inciting a Riot.

"(1) A person commits the crime of inciting to riot if he commands,

solicits, incites or urges another person to engage in tumultuous and violent conduct of a kind likely to cause or create a grave risk of public terror or alarm.

"(2) Inciting a riot is a Class A misdemeanor.

"Sec. 5530. Harassment or Harassing Communication.

"(A)

"(1) A person commits the crime of harassment if, with intent to harass, annoy or alarm another person, he strikes, shoves, kicks or otherwise touches a person or subjects him to physical contact.

"(2) Harassment is a Class C misdemeanor.

"(B)

"(1) A person commits the crime of harassing communications if, with intent to harass or alarm another person, he:

"(a) Communicates with a person, anonymously or otherwise, by telephone, telegraph, mail, or any other form of written or electronic communication, in a manner likely to harass or cause alarm; or

"(b) Makes a telephone call, whether or not a conversation ensues with no purpose of legitimate communication; or

"(c) Telephones another person and addresses to or about such other person any lewd or obscene words or language. Nothing in this section shall apply to a legitimate Business telephone communications.

"(2) Harassing communication is a Class C misdemeanor.

"Sec. 9901. Laws Repealed.

"Title 1, sections 5, 7, and 11, Alabama Code are hereby repealed.

"Title 2, sections 11, 188, 315(2) [Act No. 134, § 2, H. 210, 1947, Regular Session, (Acts of 1947, p. 43)], 401(66) [Act No. 1049, § 14, S. 8, 1969, Regular Session (Acts of 1969, p. 1951)], 471(6) [Act No. 481, § 7, S. 236, 1945, Regular Session (Acts of 1945, p. 719)], 603, and 632, Alabama Code are hereby repealed.

"Title 3, sections 8, 11, 12, 55(8) [Act No. 258, § 5, H. 236, 1959, Regular Session (Acts of 1959, p. 823)], [Act No. 132, S. 132, 1975, Regular Session (Acts of 1975)], Alabama Code are hereby repealed.

"Title 4, section 20(30) (6) [Act No. 402, § 7, S. 217, 1945, Regular Session (Acts of 1945, p. 639)], Alabama Code are hereby repealed.

"Title 5, sections 34, 38, 39, 40, 139, 144 and 145, Alabama Code are hereby repealed.

"Title 8, sections 44(2) [Act No. 357, § 2, S. 156, 1951, Regular Session (Acts of 1951, p. 644)], 80, 212, 213, 214, 215, 217, 231(11) [Act No. 169, § 10, H. 27, 1945, Regular Session (Acts of 1945, p. 289)], 231(13) [Act No. 169, § 12, H. 27, 1945, Regular Session (Acts of 1945, p. 289)], Alabama Code are hereby repealed.

"Title 11, section 40, Alabama Code is hereby repealed.

"Title 12, section 42, Alabama Code is hereby repealed.

"Title 13, sections 125(69) [Act No. 115, § 9, H. 332, 1953, Regular Session (Acts of 1953, p. 164) as amended], 224, 236, 281, 289, 502 [Act No. 535, § 6, H. 724, 1953, Regular Session (Acts of 1953, p. 750)], Alabama Code are hereby repealed.

"Title 14, sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 22(1) [Act No. 640, § 1, H. 339, 1947, Regular Session (Acts of 1947, p. 494)], 22(2) [Act No. 640, § 2, H. 339, 1947, Regular Session (Acts of 1947, p. 494)], 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 41(1) [Act No. 2422, H. 110, 1971, Regular Session (Acts of 1971), p. 3855)], 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 55, 56, 57, 63 (as amended), 64 (as amended), 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 79(1) [Act No. 253, § 1, H. 264, 1947, Regular Session (Acts of 1947, p. 107)], 79(2) [Act No. 253, § 2, H. 264, 1947, Regular Session (Acts of 1947, p. 107)], 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 97(1) [Act No. 907, § 1, H. 774, 1951, Regular Session (Acts of 1951, p. 1546)], 97(2) [Act No. 907, § 2, H. 774, 1951, Regular Session (Acts of 1951, p. 1546)], 97(3) [Act No. 907, § 3, H. 774, 1951, Regular Session (Acts of 1951, p. 1546)], 97(4) [Act No. 907, § 4, H. 774, 1951, Regular Session (Acts of 1951, p. 1546)], 97(5) [Act No. 907, § 5, H. 774, 1951, Regular Session (Acts of 1951, p. 1547)], 97(6) [Act No. 907, § 6, H. 774, Regular Session (Acts of 1951, p. 1548)], 97(7) [Act No. 907, § 7, H. 774, 1951 Regular Session Acts of 1951, p. 1548)], 97, (8) [Act No. 907, § 8, H. 1951, Regular Session, (Acts of 1951, p. 1548)], 98, 99, 100, 101, 103, 104, 105, 105(1) [Act No. 1116, § 1, S. 205, 1969, Regular Session (Acts of 1969, p. 2055)], 105(2), Act No. 1116 § 2, S. 205, 1969, Regular Session (Acts of 1969, p. 2055)], 105(3), [Act No. 1118 § 3, S. 205, 1969, Regular Session (Acts of 1969, p. 2055)], 105(4), [Act No. 1116, § 4, S. 205, 1969 Regular Session (Acts of 1969, p. 2057)], 105(5), [Act No. 1116, § 5, S. 205, 1969, Regular Session, (Acts of 1969, p. 2058)], 105(6), [Act No. 1118, § 6, 3, 205, 1969, Regular Session (Acts of 1969, p. 2058)], 105(7), [Act No. 1116, § 7, S. 205, 1969, Regular Session (Acts of 1969, p. 2058)], 105(8), [Act No. 1116, § 8, S. 205, 1969, Regular Session (Acts of 1969, p. 2059) 105(9), [Act No. 1116, § 9, S. 205, 1969, Regular Session (Acts of 1969, p. 2059)], 105(10), [Act No. 1116 § 10, S. 205, 1969, Regular Session (Acts of 1969, p. 2059)], 105(11), Act No. 1116, § 11, S. 205, 1969, Regular Session (Acts of 1969, p. 2059)], 106, 107, 108, 109, 110, 111, 112, 113, 115, (1) [Act No. 38, H. 101, 1951, Regular Session (Acts of 1951, p. 247)], 116, 117, 118, 119 (1) [Act No. 87, S. 107, 1959, Regular Session (Acts of 1959, p. 568)], 119(2) [Act No. 574, H. 1967, Regular Session (Acts of 1967, p. 1328)], 120, 120, (1) [Act No. 330, H. 585, 1945, Regular Session (Acts of 1945, p. 544)], 121, 122, 123, 124, 125, 125(5) [Act No. 391, § 1, S. 33, 1955, Regular Session (Acts of 1955, p. 926)], p. 926, 125 (6) [Act No. 391, § 2, S. 33, 1955 Regular Session (Acts of 1955, p. 926) (as Amended)], 125(3) [Act No. 391, § 4, S. 33, 1955, Regular Session (Acts of 1955, p. 926)], 125(14) [Act No. 391, § 9, S. 33, 1955, Regular Session (Acts of 1955, p. 926)], 125(15) [Act No. 391, § 10, S. 33, 1955, Regular Session (Acts of 1955, p. 926) (as amended)], 126 as amended, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 151(1) [Act No. 86 § 1, S. 106, 1959, Regular Session (Acts of 1959, p. 508)], 152, 153 (as amended), 154, 155, 156, 157, 158, 159, 160, 167, 171, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 207 (as amended), 208, 209, 210, 211, 212, 213, 214, 215, 216, 217 (as amended), 217(1) [Act No. 57, § 1, H. 192, 1961, Regular Session (Acts of 1961, p. 1922)], 217(2) [Act No. 57, § 2, H. 192, 1961, Regular Session (Acts of 1961, p. 1922)], 217(3) [Act No. 57, § 3, H. 192, 1961, Regular Session (Acts of 1961, p. 1922)], 217(4) [Act No. 57, § 4, H. 192, 1961, Regular Session (Acts of 1961, p. 1922)], 217(5) [Act No. 57, § 5, H. 192, 1961,

Regular Session (Acts of 1961, p. 1923)], 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 234(1) [Act No. 256, S. 244, 1949, Regular Session (Acts of 1949, p. 378)], 234(9) [Act No. 2479, § 1, H. 2083, 1971, Regular Session (Acts of 1971, p. 3959)], 234(10) [Act No. 2479, § 2, H. 2083, 1971, Regular Session (Acts of 1971, p. 3959)], 234(11) [Act No. 2479, § 3, H. 2083, 1971, Regular Session (Acts of 1971, p. 3959)], 234(12) [Act No. 2479, § 4, H. 2083, 1971, Regular Session (Acts of 1971, p. 3959)], 234(13) [Act No. 2479, § 5, H. 2083, 1971, Regular Session (Acts of 1971, p. 3959)], 234(14) Act No. 2479, § 6, H. 2083, 1971, Regular Session (Acts of 1971, p. 3959)], 234(15) [Act No. 2479, § 7, H. 2083, 1971, Regular Session (Acts of 1971, p. 3960)], 234(16) [Act No. 2479, § 8, H. 2083, 1971, Regular Session (Acts of 1971, p. 3960)], 234(17) [Act No. 2479, § 9, H. 2083, 1971, Regular Session (Acts of 1971, p. 3960)], 234(18) [Act No. 2479, § 10, H. 2083, 1971, Regular Session (Acts of 1971, p. 3960)], 234(19) [Act No. 2479, § 11, H. 2083, 1971, Regular Session (Acts of 1971, p. 3961)], 234(20) [Act No. 2479, § 12, H. 2083, 1971, Regular Session (Acts of 1971, p. 3961)], 234 (21) [Act No. 2479, § 13, H. 2083, 1971, Regular Session (Acts of 1971, p. 3962)], 235, 236, 246 (as amended), 254, 256, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288 (as amended), 289, 291, 293, 302(1) [Act No. 799, S. 291, 1951, Regular Session (Acts of 1951, p. 1398)], 303, 304, 305, 306, 307, 308, 310, 311, 312, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 325, 326(1) [Act No. 594, S. 400, 1949, Regular Session (Acts of 1949, p. 926)], 326(a1) [Act No. 232, § 1, H. 402, 1967, Regular Session (Acts of 1967 p. 606)], 326(a2) [Act No. 232, § 2, H. 402, 1967, Regular Session (Acts of 1967, p. 606)], 326(a3) [Act No. 232, § 3, H. 402, 1967, Regular Session (Acts of 1967, p. 607)], 326(a4) Act No. 232, § 4, H. 402, 1967, Regular Session (Acts of 1967, p. 607), 326(a5) Act No. 233, § 1, H. 403, 1967, Regular Session (Acts of 1967, p. 607)], 326(a6) Act No. 233, § 2, H. 403, 1967, Regular Session (Acts of 1967, p. 608 326(a7) [Act No. 233, § 3, H. 403, 1967, Regular Session (Acts of 1967, p. 609)], 326(a8) [Act No. 233, § 4, H. 403, 1967, Regular Session (Acts of 1967, p. 609)], 326(2) [Act No. 397, S. 279, 1955, Regular Session (Acts of 1955, p. 932), 331 (as amended), 332, 333, 333(1) [Act No. 258, H. 106, 1967, Regular Session (Acts of 1967, p. 736)], 334, 335, 336, 338, 339, 340, 341, 342, 343, 343(1) [Act No. 1099, S. 49, 1969, Regular Session (Acts of 1969, p. 2035)], 344, 345, 346, 346(1) [Act No. 68, H. 73, 1953, Regular Session (Acts of 1953, p. 99), (as amended)], 346(2) [Act No. 238, S. 128, 1961, Ex. Sess., (Acts of 1961, p. 2251)], 346(3) [Act No. 663, S. 35, 1965, Regular Session (Acts of 1965, p. 1197)], 346(4) [Act No. 1083, S. 861, 1969, Regular Session (Acts of 1969, p. 2019)], 352, 353, 354, 355, 356, 358(I) [Act No. 139, S. 155, 1949, Regular Session (Acts of 1949, p. 165)], 359, 360, 361, 362, 362(1) [Act No. 886, H. 408, 1953, Regular Session (Acts of 1953, p. 1192)], 363, 364, 365, 366, 367, 368, 369, 370, 371, 371(1) [Act No. 149, H. 180, 1956, 1st Ex. Sess. (Acts of 1956, p. 214)], 372, 373, 374, 374(1) [Act No. 856, § 1, S. 242, 1961, Regular Session (Acts of 1961, p. 1310)], 374(2) [Act No. 856, § 2, S. 242, 1961, Regular Session (Acts of 1961, p. 1310)], 374(3) [Act No. 856, § 3, S. 242, 1961, Regular Session (Acts of 1961, p. 1310)], 374(4) [Act No. 856, § 4, S. 242, 1961, Regular Session (Acts of 1961, p. 1311)], 374(5) [Act No. 856, § 5, S. 242, 1961, Regular Session (Acts of 1961, p. 1311)], 374(6) [Act No. 856, § 6, S. 242, 1961, Regular Session (Acts of 1961, p. 1312)], 374(7) [Act No. 856, § 7, S. 242, 1961, Regular Session (Acts of 1961, p. 1312)], 374(S) [Act No. 856, § 8, S. 242 1961, Regular Session (Acts of 1961, p. 1313)], 374(9) [Act No. 856, § 9, S. 242, 1961, Regular Session (Acts of 1961, p. 1313)], 374(10) [Act No. 856, § 10, S. 242, 1961, Regular Session (Acts of 1961, p. 1314)], 374(11) [Act No. 856, § 11, S. 242, 1961, Regular Session (Acts of 1961, p. 1314)], 374(12) [Act No. 856, § 12, S. 242, 1961, Regular Session (Acts of 1961, p. 1314)], 374(13) [Act No. 856, § 13,

S. 242, 1961, Regular Session (Acts of 1961, p. 1314)], 374(14) [Act No. 856, § 14, S. 242, 1961, Regular Session (Acts of 1961, p. 1315)], 374(15) [Act No. 856, § 15, S. 242, 1961, Regular Session (Acts of 1961, p. 1315)], 374(16) [Act No. 856, § 16, S. 242, 1961 Regular Session (Acts of 1961, p. 1315)], 374(16a) [Act No. 408, § 1, H. 111, 1969, Regular Session (Acts of 1969, p. 801)], 374(16b) [Act No. 408, § 2, H. 111, 1969, Regular Session (Acts of 1969, p. 802)], 374(16c) [Act No. 408, § 3, H. 111, 1969, Regular Session (Acts of 1969, p. 803)], 374(16d) [Act No. 408, § 4, H. 111, 1969, Regular Session (Acts of 1969, p. 803)], 374(16e) [Act No. 408, § 5, H. 111, 1969, Regular Session (Acts of 1969, p. 803)], 374(16f) [Act No. 408, § 6, H. 111, 1969, Regular Session (Acts of 1969, p. 804)], 374(16g) Act No. 408, § 7, H. 111, 1969, Regular Session (Acts of 1969, p. 804)], 374(16h) [Act No. 408, § 8, H. 111, 1969, Regular Session (Acts of 1969, p. 804)], 374(16i) [Act No. 408, § 10, H. 111, 1969, Regular Session (Acts of 1969, p. 805)], 374(16j) [Act No. 698, § 1, S. 45, 1969, Regular Session (Acts of 1969, p. 1253)], 374(16k) [Act No. 698, § 2, S. 45, 1969, Regular Session (Acts of 1969, p. 1254)], 374(16L) [Act No. 698, § 3, S. 45, 1969, Regular Session (Acts of 1969, p. 1254)], 374(16m) [Act No. 698, § 4, S. 45, 1969, Regular Session (Acts of 1969, p. 1254)], 374(16n) [Act No. 698, § 5, S. 45, 1969, Regular Session (Acts of 1969, p. 1255)], 374(16o) [Act No. 698, § 6, S. 45, 1969, Regular Session (Acts of 1969, p. 1255)], 374(17) [Act No. 274, H. 167, 1965, 1st Ex. Sess. (Acts of 1965, p. 382)], 374(18) [Act No. 746, § 1, S. 509, 1967, Regular Session (Acts of 1967, p. 1600)], 374(19) [Act No. 746, § 2, S. 509, 1967, Regular Session (Acts of 1967, p. 1600)], 374(20) [Act No. 746, § 3, S. 509, 1967, Regular Session (Acts of 1967, p. 1600)], 375, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 392, 395, 396, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 407(1), Act No. 504, H. 745, 1961, Regular Session (Acts of 1961; 601)], 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 419(2)] Act No. 519, § 1, H. 469, 1953, Regular Session (Acts of 1953, p. 684)], 419(3)] Act No. 519, § 2, H. 469, 1953, Regular Session (Acts of 1953, p. 684 423, 424, 425, 426 (as amended), 426(1)] (Act No. 60, H. 80, 1953, Regular Session (Acts of 1953, p. 88)], 427, 429, 430(1)] (Act No. 533, S. 116, 1963, Regular Session (Acts of 1963, p. 1146)], 431, 432 (as amended), 433, 436, 436(1)] (Act No. 520, H. 260, 1943, Regular Session (Acts of 1943, p. 487)], 436(2)] Act No. 125, S. 49, 1951, Regular Session (Acts of 1951, p. 354)], 437, 438, 439, 440, 441, 442, 443, 444, Alabama Code are hereby repealed.

"Title 15, sections 11, 33, 156, 323, 326, 327, 328, 329, 330, 331, 332, 334, 335, 336, Alabama Code are hereby repealed.

"Title 17, sections 287, 288, 290, 291, 292, 307, 309, 310, 313, 323, 324, 329, 334, Alabama Code are hereby repealed.

"Title 22, sections 146, 168, 169, 171, 172, 204(71)] Act No. 394, § 17, H. 204, 1957, Regular Session (Acts of 1957, p. 539)], Alabama Code are hereby repealed.

"Title 23, sections 96, 125, 126, 128, 129, 130, 131 (as amended) 131(1)] (Act No. 55, § 1, H. 190, 1961, Ex. Session (Acts of 1961, p. 1920)], 135, 137, Alabama Code are hereby repealed.

"Title 24, sections 8 (as amended) and 18 (as amended) Alabama Code are hereby repealed.

"Title 25, section 36 Alabama Code is hereby repealed.

"Title 26, sections 70, 82, 166(72)] Act No. 207, § 71, S. 134, 1949, Regular Session (Acts of 1949, p. 280)], 179(43)] (Act No. 1, § 20, H. 46, 1945, Regular Session (Acts of 1945, p. 14)], 314, 315, 316, 317, 318, 319, 322, 324 (as

amended), 359, 372, 275, 384] (Act No. 298, § 9, S. 341, 1943, Regular Session (Acts of 1943, p. 256)] 385] (Act No. 298, § 10, S. 341, 1943, Regular Session (Acts of 1943, p. 256)], 386] (Act No. 298, § 11, S. 341, 1943, Regular Session (Acts of 1943, p. 256)], Alabama Code are hereby repealed.

"Title 28A, sections 229 [Act No. 608, § 4, H. 377, 1957, Regular Session (Acts of 1957, p. 866) (as amended)], 230 [Act No. 608, § 4, H. 377, 1957, Regular Session (Acts of 1957, p. 866) (as amended)], 231 Act No. 407, § 231, H. 198, 1971, Regular Session (Acts of 1957, p. 830) (as amended)], Alabama Code are hereby repealed.

"Title 30, section 49, Alabama Code is hereby repealed.

"Title 34, sections 1 (as amended), 2, 13, and 90 Alabama Code are hereby repealed.

"Title 37, sections 34 (65) [Act No. 663, § 46, S. 132, 1961, Regular Session (Acts of 1961, p. 862)], 34(118) [Act No. 663, § 47, S. 132, 1961, Regular Session (Acts of 1961, p. 903)], Alabama Code are hereby repealed.

"Title 38, sections 93, 94, 95, 96, 97(37) [Act No. 769, § 2, H. 749, 1969, Regular Session (Acts of 1969, p. 1368)], and 113, Alabama Code are hereby repealed.

"Title 41, sections 28, 143, 146, 203, 204, 205, 206, 207, 208, 209, 210, 211 (as amended), 212, 213, 214, 216, 218, 219, 221, (as amended), and 222 Alabama Code are hereby repealed.

"Title 45, sections 112, 113, 113(1) [Act No. 10, S. 125, 1949, Regular Session (Acts of 1949, p. 24)], 149, 188(5) [Act No. 307, § 5, H. 271, 1971, 3rd Ex. Session (Acts of 1971, p. 4596) (as amended)], Alabama Code are hereby repealed.

"Title 46, section 257(39) [Act No. 107, § 14, H. 151, 1959, Regular Session (Acts of 1959, p. 609)], Alabama Code is hereby repealed.

"Title 48, sections 198, 398, 401, 402, 403, 407, 409, 410, 411, 412, 413, 414, 415 (as amended), 417(3) [Act No. 587, S. 24, 1963, Regular Session (Acts of 1963, p. 1284)], 417(4) [Act No. 698, § 1, H. 28, 1965, Regular Session (Acts of 1965, p. 1298)], 417(5) [Act No. 698, § 2, H. 28, 1965, Regular Session (Acts of 1965, p. 1298)], 417(6) [Act No. 698, § 3, H. 28, 1965, Regular Session (Acts of 1965, p. 1298)], 419, 424, 438, 440, 454, 455, 456, 457, 458, 460, 461, 462, 465, 466, Alabama Code are hereby repealed.

"Title 49, section 17(21) [Act No. 702, § 20, H. 1097, 1951, Regular Session (Acts of 1951, p. 1223) (as amended)], Alabama Code is hereby repealed.

"Title 51, sections 394 [Act No. 75, H. 16, 1945, Regular Session (Acts of 1945, p. 72) as amended)], 431(10) [Act No. 2, § 10, H. 47, 1945, Regular Session (Acts of 1945, p. 24)], 833, Alabama Code are hereby repealed.

"Title 52, Sections 137, 584, 613(15) [Act No. 822, § 15, S. 107, 1947, Regular Session (Acts of 1947, p. 378)], 614, 618, 619, Alabama Code are hereby repealed.

"Title 53, sections 40 [Act No. 542, § 13, S. 282, 1959, Regular Session (Acts of 1959, p. 1342)], 52 [Acts No. 542, § 26, S. 282, 1959, Regular Session (Acts of 1959, p. 1349)], Alabama Code are hereby repealed.

"Title 54, sections 6, 7, 8, 23, 27, Alabama Code are hereby repealed.



"Title 55, sections 48, 59, 289(7) [Act No. 293, § 2, S. 305, 1945 Regular Session (Acts of 1945, p. 486)], 289(9) [Act No. 293, § 4, S. 305, 1945, Regular Session (Acts of 1945, p. 487)], Alabama Code are hereby repealed.

"Title 57, sections 93, 109, 110, 111, 148 [Act No. 553, § 18, H. 914, 1965, Regular Session (Acts of 1965, p. 1034)], Alabama Code are hereby repealed.

"Title 60, sections 19 and 38 Alabama Code are hereby repealed.

"Wherever in the foregoing section reference is made to Alabama Code, the same shall be taken to mean the official Code of Alabama, 1940, as amended, except where, after adoption of the 1940 Code there has been a subsequent independent statute embraced in the current compilation of Michie Publishing Company known as the Code of Alabama, Recomplied, 1958, with its current cumulative supplement. The provisions of said Recomplied Code are identified by a particular Title and a Section not shown in the official Code, or a particular Title and a Section followed by an Arabic number enclosed in parentheses. The independent statutes thus referred to are repealed. Nothing in this act shall be construed as amending or repealing any provisions of Act No 2431, Regular Session 1971, amended by Act No. 97 Regular Session 1973, and further amended by Act 1095 Regular Session 1975, nor shall anything in this Act be construed as amending or repealing any provision of Act No. 376, H. 1040, Regular Session 1975.

Section 9910. Time of Taking Effect.

This act shall take effect at 12:01 A.M. o'clock on June 1, 1979.

Mr. Little offered the following amendment to the substitute for the Bill, H. B. 10, to-wit:

#### AMENDMENT SUBSTITUTE FOR H. B. 10

Amend substitute for H. B. No. 10 Page 26 Line 12, by striking out June 1, 1979 and inserting June 1, 1980.

On motion of Mr. St. John, said amendment was laid on the table.

Yeas 21; Nays 9.

*Yeas:*

Messrs. Adams, Clemon, Edwards, Ellis, Foshee, Gilmore, Higginbotham, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Proctor, Roberts, St. John, Stewart, Vacca, Waldrop.

—21

*Nays:*

Messrs. Bank, Fine, Goodwin, Jones, King, Little, Peden, Powell, Shelby.

—9

And the substitute for the Bill, H. B. 10, was then adopted by the Senate.

Yeas 24; Nays 4.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Perloff, Perry, Proctor, St. John, Stewart, Vacca, Waldrop.

—24

*Nays:* Messrs. Fine, Foshee, Peden, Powell.

—4

And said Bill, H. B. 10, as thus amended by the substitute, was read a third time at length and passed.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Proctor, Shelby, Stewart, Vacca, Waldrop.

—26

*Nays:*

—0

Mr. St. John moved that the Senate reconsider the vote by which the Bill, H. B. 10, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Bill:

H. 772. Relating to application for certificate of qualification; fee; rules and regulations for chiropractors.

Was read a third time at length and passed.

Yeas 25; Nays 1.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Peden, Perloff, Proctor, Shelby, Stewart, Teague, Vacca, Waldrop.

—25

*Nay:* Mr. Roberts.

—1

The Bill:

H. 773. Relating to refusal, revocation or suspension of chiropractors-effect of failure of party charged to appear at hearing; appeals.

Was read a third time at length and passed.

Yeas 25; Nays 1.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), Mims,

Mitchell, Noonan, Owen, Peden, Perloff, Proctor, Shelby, Stewart, Teague, Vacca, Waldrop.

—25

*Nay:* Mr. Roberts.

—1

The Bill:

H. 774. Relating to annual renewal of certificate; disposition of funds, revocation of license for failure to renew; rules and regulations for chiropractors.

Was read a third time at length and passed.

Yeas 25; Nays 1.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Peden, Perloff, Proctor, Shelby, Stewart, Teague, Vacca, Waldrop.

—25

*Nay:* Mr. Roberts.

—1

The Bill:

H. 327. To amend Section 32-6-3 of the Code of Alabama 1975 relating to examinations prior to application for the license or renewal of a driver's license so as to provide that the director of public safety may designate counties where persons may be examined.

Was read a third time at length and passed.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Baker, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, Little, McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—24

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate bill:

S. 760. To propose an amendment to the Constitution of Alabama to provide a single retirement system for all public officers and employees.

And the Speaker of the House has appointed as a Committee on the part of the House Messrs. Moore (W), Campbell and Armstrong.

JOHN W. PEMBERTON,  
Clerk.

### RESOLUTION

Mr. Owen offered the following Senate Joint Resolution, to-wit:

S. J. R. 462. NAMING H. B. 452 THE THOMAS REED BILL.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That House Bill 452, which appropriates \$1,460,000 to Tuskegee Institute, be named the "Thomas Reed Bill" in honor of its sponsor, Representative Thomas Reed.

RESOLVED FURTHER, That a copy of this resolution be sent to Representative Thomas Reed.

On motion of Mr. Owen, the Rules were suspended and the Resolution was adopted by the Senate.

### UNFINISHED BUSINESS

#### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, the third item of which was the Bill:

H. 143. To provide that full-time employees and executive officers of the Alabama Council for School Administration and Supervision may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Council and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

The question was on the amendment offered by Mr. Clemon, which said amendment is set out in the Journal of the Senate for the Twenty-ninth Legislative Day.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 169. To amend further Section 32-9-29 of the 1975 Code of Alabama; so as to provide an exemption for certain loads to be transported.

And said bill as thus amended by the report of the Committee of Conference was again read at length and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 54. To provide that the Department of Public Safety shall provide and maintain a minimum of two personnel to protect the person of any former governor who while in office sustained permanent bodily injury from any violent criminal act.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 464. CREATING THE JOINT LEGISLATIVE STUDY COMMITTEE ON THE ECONOMICAL IMPACT OF THE BUSINESS ENTERPRISES OF THE UNIFICATION CHURCH, AND ITS AFFILIATES, ON THE SEAFOOD, FISHING, AND RELATED INDUSTRIES OF THIS STATE.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

## REPORT OF COMMITTEE ON CONFERENCE

We the Committee on Conference appointed to reconcile the differences of the two houses concerning House Substitute for Senate Bill 760 have met in conference and have agreed to the following substitute:

## COMMITTEE ON CONFERENCE SUBSTITUTE FOR S. B. 760

A BILL  
TO BE ENTITLED  
AN ACT

To propose an amendment to the Constitution of Alabama to prospectively eliminate the growth of various supernumerary and judicial retirements by

providing that certain future elected public officers of the state shall become members of the Employees' Retirement System of Alabama; and to provide that this amendment shall not apply to any such officer who is holding office on the date this amendment becomes effective.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

### PROPOSED AMENDMENT

The following elected officials of the state shall become members of the Employees' Retirement System of Alabama and participate therein in the same manner and under the same conditions as may be provided by the Legislature for the participation of regular state employees of Alabama: Chief Justice of the Supreme Court of Alabama, Associate Justices of the Supreme Court of Alabama, Judges of the Court of Civil Appeals, Judges of the Court of Criminal Appeals, Circuit Judges, District Court Judges, Probate Judges, District Attorneys, Assistant District Attorneys, Tax Assessors, Tax Collectors, Sheriffs, official court reporters, clerks and registers of any judicial circuit or of any district court, and all elected officials of state government who receive a full time annual salary.

This amendment shall not apply to any judge or elected official who is holding office or who has retired on or before the date this amendment becomes effective; and this amendment shall not apply to any person who after the date this amendment becomes effective assumes an office or position of employment in which he is eligible to become a member of the Teachers' Retirement System of Alabama.

Where the salary of any officer required by this amendment to participate in the Employees' Retirement System of Alabama is paid from different sources, then the employer share attributable to the officer participation shall be paid from the same sources to the same extent and proportion as the source contributes to the salary.

Any official or judge required by this amendment to participate in the Employees' Retirement System of Alabama, shall not be allowed to participate in or receive any benefits, allowances or compensation under any other retirement, supernumerary or pension plan or program wholly or partially funded from state funds.

Section 2. An election upon the proposed amendment is ordered to be held on the 4th Tuesday in September, 1978. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a

newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

WARREN C. MOORE,  
FRANK CAMPBELL,  
Conferees of House.  
JOHN BAKER,  
BERT BANK,  
OSCAR PEDEN,  
Conferees of Senate.

### CONFERENCE REPORT

On motion of Mr. Baker, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. 760. To propose an amendment to the Constitution of Alabama to provide a single retirement system for all public officers and employees.

Yeas 24; Nays 7.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), Mitchell, Noonan, Peden, Perloff, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—24

*Nays:*

Messrs. Adams, Fine, Foshee, Goodwin, McMillan, Mims, Wilson.

—7

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 137. To make an appropriation to the various public school systems of the state from the Special Educational Trust Fund for the purpose of libraries in the public elementary and secondary schools and in the post secondary two year institutions of higher learning under the jurisdiction of the State Board of Education.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 608. To remove all restrictions relating to Public Employees of any County or City in the State of Alabama, pertaining to his right to participate in certain political activities and allow public employees the right of free expression in public welfare.

And said bill as thus amended by the report of the Committee on Conference was again read at length and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

### MOTION TO RECONSIDER

Mr. Shelby moved that the Senate reconsider the vote by which the Senate adopted the report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the Bill, S. B. 760.

### BILLS ON THIRD READING RESUMED

The Bill:

H. 557. To authorize the establishment of public corporations with the power to cooperate with and lend financial assistance and other aid to municipalities, communities, counties, individuals and public and private corporations in matters and undertakings pertaining to the restoration, renovation, preservation, improvement, protection and maintenance of any public or private property within the state that has been listed in the National Register of Historic Places.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Noonan, Owen, Peden, Perloff, Proctor, Roberts, St. John, Shelby, Teague, Vacca.

—25

Nays:

—0

The Bill:

H. 363. To amend Section 4-2-45 of the Code of Alabama, 1975, which regulates the disbursement of funds of the state department of aeronautics, so as to further regulate such disbursement and the management of certain funds.

Was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—27



*Nays:* —0

The Bill:

H. 484. To provide that where certain land without access to a public sewer system is subdivided into lots of not less than 3 acres in size, it shall not be subject to the subdivision criteria and the rules and regulations imposed by the State Board of Health upon development if the lots are subject to certain plat restrictions recorded in the County Probate Office.

Was read a third time at length and passed.

Yeas 20; Nays 0.

Abstaining 1.

*Yeas:*

Messrs. Adams, Bank, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), Mims, Mitchell, Owen, Perloff, Perry, St. John, Shelby, Teague.

—20

*Nays:* —0

*Abstaining:* Mr. McMillan. —1

The Bill:

H. 824. To provide for the termination of alimony under a decree of divorce upon proof that the spouse receiving such alimony has remarried or that such spouse is living openly or cohabiting with a member of the opposite sex.

Was read a third time at length and passed.

Yeas 17; Nays 1.

*Yeas:*

Messrs. Bank, Edwards, Ellis, Foshee, Gilmore, Higginbotham, Jones, McDonald (A), Mims, Mitchell, Peden, Perloff, Powell, Proctor, Shelby, Teague, Vacca.

—17

*Nay:* Mr. St. John. —1

The Bill:

H. 147. To amend Section 2 of Act 281, H. 295, Special Session, 1966 (Code of Alabama, 1975, Section 16-33-4), which is the Alabama Educational Benefits for Dependents of Blind Parents Act, so as to increase the amount of family income allowed in a family where the head of the household is blind for dependents to be eligible for educational benefits at institutions of higher learning.

Was read a third time at length and passed.

Yeas 20; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, Little, Mims, Mitchell, Owen, Peden, Perloff, Perry, Powell, Shelby, Stewart, Teague.

—20

*Nays:*

—0

#### CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Shelby, consideration of the Bill, H. B. 3, was indefinitely postponed.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 221. Relating to the manufacture, sale and distribution of commercial feeds; requiring a license and prescribing the amount thereof to manufacture, distribute, sell or offer for sale commercial feeds; to define terms used herein, and to prescribe labeling requirements for commercial feed containers; to prohibit misbranding, adulteration and other practices relating to the manufacture, sale, offering for sale, or distribution of such feeds; to levy and collect an inspection fee upon commercial feeds sold and offered for sale in Alabama; to authorize the adoption of rules and regulations to effectuate the purpose of this act; to provide for inspection, sampling and analysis of commercial feeds, the suspension from sale and condemnation thereof when not in compliance with this Act; to levy monetary penalties where commercial feeds are deficient in constituents guaranteed on labeling or otherwise, and to provide for the disposition thereof; to authorize the publication of certain information concerning sale and distribution of commercial feeds, other administrative and enforcement procedures, penalties for violations of this act, its effective date, and to repeal Chapter 21 of Title 2, Code of Alabama, 1975.

U. W. CLEMON,  
Chairman.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

#### BILLS ON THIRD READING RESUMED

The Bill:

H. 179. To provide that Alabama enter into the Interstate Agreement on Detainers Act, with other member-states, which promotes cooperation

between the several states to secure a speedy trial of persons already incarcerated in other jurisdictions by the expeditious and orderly disposition of all detainees based on untried indictments, information or complaints; and to further provide for the uniform mandatory disposition of detainees so as to prescribe the manner and procedures for release of detainees available to incarcerated persons against whom there is pending untried indictments, information or complaints.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), Mims, Mitchell, Pearson, Peden, Perloff, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—25

*Nays:*

—0

The Bill:

H. 652. To amend the preamble, Sections 2-e, 2-f, 3, 5, 7, and 9 of Act No. 1197, Regular Session 1975, which act relates to the public health and which may be referred to as the State Health Planning and Development Act of 1975, so as to bring that act into conformity with Public Law 93-641, "The National Health Planning and Resources Development Act of 1974."

Was read a third time at length and passed.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), Mims, Mitchell, Noonan, Peden, Perloff, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—24

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 10. To amend Sections 130, 1230, 2611, 2612, 3202, 3203, 3204, 3207, 3208, 3210, 3250, 3280, 4045, 4115, 4601, 4608, 4705, 5511, 5530, and 9901 of Act No. 607, S. 33, Regular Session 1977 (Acts of Alabama 1977, p. 812), entitled, "An Act To provide an entirely new criminal code for the State of Alabama; defining offenses, fixing punishment; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act."

JOHN W. PEMBERTON,  
Clerk.

## BILLS ON THIRD READING RESUMED

The Bill:

H. 435. To amend Section 32-6-130, Code of Alabama 1975 which provides for the issuance of special license plates by the Probate Judge of the County to disabled veterans so as to include veterans whose disability exceeds 50% and to increase the cost of such tags from one dollar to five dollars.

Was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 435, to-wit:

## COMMITTEE SUBSTITUTE FOR H. B. 435

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 32-6-130, Code of Alabama 1975 which provides for the issuance of special license plates by the Probate Judge of the county to disabled veterans so as to include veterans whose disability exceeds 50% and to increase the cost of such tags from one dollar to five dollars, and it provides for the issuance of such special license plates to Congressional Medal of Honor recipients at no charge.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-6-130 of the Code of Alabama 1975 is hereby amended to read as follows:

"Section 32-6-130. (a) Any veteran as defined in section 31-5-1, who is a resident of this state and who is suffering a physical disability which requires that any motor vehicle he operates be equipped with special mechanical control devices or whose physical disability exceeds fifty percent (50%), upon application accompanied by such proof of eligibility to the Probate Judge of the county for the special license plates provided herein, as may be prescribed by the state department of revenue, and upon payment of \$1.00 \$5.00, unless exempted from the payment of such fee by law, shall be issued license plates, by such Probate Judge as provided by law, for private or pleasure motor vehicles, upon which, in lieu of the number now prescribed by law shall be inscribed in legible letters the words, 'Disabled Veteran' and an identifying number as prescribed by the state department of revenue. Such plates shall not be transferable. The fee established by this section shall be in lieu of the regular license fee now required by law for motor vehicles and shall be used to defray the cost of issuing the distinctive license plates.

"(b) Any Congressional Medal of Honor recipient, who is a resident in this state, upon application accompanied by sufficient proof satisfactory to the Probate Judge of the county, shall be entitled, without charge, to a special license plate for private or pleasure motor vehicles, as may be prescribed by the state department of revenue, with the design thereof to be approved by the Governor, and an identifying number as prescribed by the department of revenue. Such license plate shall not be transferable."

Section 2. This act shall become effective immediately upon its passage

and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Higginbotham, said substitute was laid on the table.

And the Bill, H. B. 435, was read a third time at length and passed.

Yeas 21; Nays 0.

*Yeas:*

Messrs. Adams, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Proctor, St. John, Shelby, Stewart, Teague.

—21

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 462. NAMING H. B. 452 THE THOMAS REED BILL.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. 772. Relating to application for certificate of qualification; fee; rules and regulations for chiropractors.

Also:

H. 773. Relating to refusal, revocation or suspension of chiropractors-effect of failure of party charged to appear at hearing; appeals.

Also:

H. 774. Relating to annual renewal of certificate; disposition of funds, revocation of license for failure to renew; rules and regulations for chiropractors.

Also:

H. 123. To make an appropriation from the state treasury for the relief of J. W. Hunter.

Also:

H. 769. To require the State Building Commission to adopt, promulgate and enforce a state building code which contains energy conservation measures; to provide that said code is to be used in all future construction or remodeling of buildings which are constructed with state appropriated funds; to prescribe duties for the director of technical staff and to establish minimal energy conservation criteria.

Also:

H. 128. To comply with the Omnibus Crime Control and Safe Streets Act of 1968, (PL 90-351), as amended and establishes the ALABAMA LAW ENFORCEMENT PLANNING AGENCY.

Also:

H. 480. To make an appropriation to the state board of social work examiners from the state board of social work examiners' fund which is on deposit in the state treasury, for purposes of salaries and other expenses.

Also:

H. J. R. 611. URGING THE WATER SAFETY PATROL DIVISION OF THE ALABAMA CONSERVATION DEPARTMENT TO CENTRALIZE THE ISSUANCE OF ALL BOAT REGISTRATIONS.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS AND RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 557. To authorize the establishment of public corporations with the power to cooperate with and lend financial assistance and other aid to municipalities, communities, counties, individuals and public and private corporations in matters and undertakings pertaining to the restoration, renovation, preservation, improvement, protection and maintenance of any public or private property within the state that has been listed in the National Register of Historic Places.

Also:

H. 327. To amend Section 32-6-3 of the Code of Alabama 1975 relating to examinations prior to application for the license and renewal of a driver's license so as to provide that the director of public safety may designate counties where persons may be examined.

Also:

H. 824. To provide for the termination of alimony under a decree of divorce upon proof that the spouse receiving such alimony has remarried or that such spouse is living openly or cohabiting with a member of the opposite sex.

Also:

H. 484. To provide that where certain land without access to a public

sewer system is subdivided into lots of not less than 3 acres in size, it shall not be subject to the subdivision criteria and the rules and regulations imposed by the State Board of Health upon development if the lots are subject to certain plat restrictions recorded in the County Probate Office.

Also:

H. 363. To amend Section 4-2-45 of the Code of Alabama, 1975, which regulates the disbursement of funds of the state department of aeronautics, so as to further regulate such disbursement and the management of certain funds.

Also:

H. 147. To amend Section 2 of Act 281, H. 295, Special Session, 1966 (Code of Alabama, 1975, Section 16-33-4), which is the Alabama Educational Benefits for Dependents of Blind Parents Act, so as to increase the amount of family income allowed in a family where the head of the household is blind for dependents to be eligible for educational benefits at institutions of higher learning.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 137. To make an appropriation to the various public school systems of the state from the Special Educational Trust Fund for the purpose of libraries in the public elementary and secondary schools and in the post secondary two year institutions of higher learning under the jurisdiction of the State Board of Education.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 10. To amend Sections 130, 1230, 2611, 2612, 3202, 3203, 3204, 3207, 3208, 3210, 3250, 3280, 4045, 4115, 4601, 4608, 4705, 5511, 5530, and 9901 of Act No. 607, S. 33, Regular Session 1977 (Acts of Alabama 1977, p. 812), entitled, "An Act To provide an entirely new criminal code for the State of Alabama; defining offenses, fixing punishment; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act."

Also:

H. 652. To amend the preamble, Sections 2-e, 2-f, 3, 5, 7, and 9 of Act No. 1197, Regular Session 1975, which act relates to the public health and which may be referred to as the State Health Planning and Development Act of 1975, so as to bring that act into conformity with Public Law 93-641, "The National Health Planning and Resources Development Act of 1974."

Also:

H. 435. To amend Section 32-6-130, Code of Alabama 1975 which provides for the issuance of special license plates by the Probate Judge of the County to disabled veterans so as to include veterans whose disability exceeds 50% and to increase the cost of such tags from one dollar to five dollars.

Also:

H. 179. To provide that Alabama enter into the Interstate Agreement on Detainers Act, with other memberstates, which promotes cooperation between the several states, which promotes cooperation between the several states to secure a speedy trial of persons already incarcerated in other jurisdictions by the expeditious and orderly disposition of all detainers based on untried indictments, information or complaints; and to further provide for the uniform mandatory disposition of detainers so as to prescribe the manner and procedures for release of detainers available to incarcerated persons against whom there is pending untried indictments, information or complaints.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 169. To amend further Section 32-9-29 of the 1975 Code of Alabama; so as to provide an exemption for certain loads to be transported.



Also:

S. 608. To remove all restrictions relating to Public Employees of any County or City in the State of Alabama, pertaining to his right to participate in certain political activities and allow public employees the right of free expression in public welfare.

U. W. CLEMON,  
Chairman.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolution with the original Senate Joint Resolution, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 462. NAMING H. B. 452 THE THOMAS REED BILL.

U. W. CLEMON,  
Chairman.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

#### REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 160

S. B. 279

S. B. 562

S. B. 739

S. B. 487

S. B. 21

Delivered to the Governor, April 24, 1978, at 11:05 A.M.

S. B. 22

S. B. 24

S. B. 26

S. B. 83

S. B. 208

S. B. 223

S. B. 243

S. B. 316

S. B. 339

S. B. 345

S. B. 659

S. B. 660

Delivered to the Governor, April 24, 1978, at 11:50 A.M.

S. B. 556

S. B. 683

S. B. 684

S. B. 690

S. B. 695

S. B. 696

S. B. 697

S. B. 735

S. B. 740

S. B. 761

S. B. 767

S. B. 768

S. B. 769

S. B. 770

S. B. 771

S. B. 772

S. B. 773

S. B. 775

S. B. 776

S. B. 777

S. B. 778

S. B. 779

S. B. 780

S. B. 781

S. B. 782

S. B. 788

S. B. 789

S. B. 791

S. J. R. 433

Delivered to the Governor, April 24, 1978, at 3:05 P.M.

S. B. 11

S. B. 37

S. B. 71

S. B. 202

S. B. 207

S. B. 282

S. B. 335

S. B. 674

S. B. 234

S. B. 235

S. B. 458

Delivered to the Governor, April 24, 1978, at 4:35 P.M.

S. B. 35

S. B. 107

S. B. 203

S. B. 248

S. B. 371

S. B. 407

S. B. 496

S. B. 558

S. B. 601

S. B. 738

Delivered to the Governor, April 24, 1978, at 8:05 P.M.

S. B. 406

S. B. 741

S. J. R. 3

S. J. R. 372

S. J. R. 374

S. J. R. 376

S. J. R. 380

S. J. R. 381

S. J. R. 382

S. J. R. 386

S. J. R. 393

S. J. R. 394

S. J. R. 395

S. J. R. 396

S. J. R. 397

S. J. R. 401

S. J. R. 413

S. J. R. 414

S. J. R. 419

S. J. R. 448

S. J. R. 449

S. J. R. 451

S. J. R. 457

S. J. R. 458

S. J. R. 459

Delivered to the Governor, April 24, 1978, at 11 o'clock P.M.

S. B. 221

Delivered to the Governor, April 24, 1978, at 12 o'clock Midnight.

S. B. 169

S. B. 608

Delivered to the Governor, April 24, 1978, at 11:57 P.M.

McDOWELL LEE,  
Secretary.

## SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journals of the Senate for the Twenty-ninth and Thirtieth Legislative Days and finds same correct and containing all original entries and references thereto required by the Constitution.

U. W. CLEMON,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. Clemon, the foregoing report was concurred in and the Journals of the Senate for the Twenty-ninth and Thirtieth Legislative Days were approved by the Senate.

## ADJOURNMENT

At 12 o'clock Midnight, on motion of Mr. Powell, in accordance with Joint Resolution heretofore adopted, the Senate adjourned sine die.

Yeas 27; Nays 2.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), Mims, Noonan, Pearson, Perloff, Powell, Proctor, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—27

Nays: Messrs. McMillan, St. John.

—2

/s/

Lieutenant Governor and  
President and  
Presiding Officer of the Senate

ATTEST:

/s/

Secretary of Senate

**IN THE LEGISLATURE OF THE STATE OF ALABAMA**  
**STATE SENATE**  
**REGULAR SESSION, 1978**  
**LOBBYIST REGISTRATION**

(In accordance with the provisions of Senate Rule 79)

Adams, Martha Stuart, Alabama Personnel & Guidance Association;  
Ala. Transactional Analysis Association.

Adwell, Bob, Fraternal Order of Police.

Akel, Mary Jane, Alabama Education Association.

Allen, Walter L., Association of Alabama Cemeteries; Alabama Natural  
Gas Association.

Amos, Doug, Alabama League of Savings Associations.

Argo, J. Knox, American Insurance Association; Tobacco Institute; Mo-  
tion Picture Association of America; Blue Cross-Blue Shield.

Arrington, Richard H., Southern Railway Company.

Avinger, C. E., Alabama Bankers Association.

Bailes, George Lewis, Jr., State Democratic Executive Committee.

Bailey, George F., Alabama Railroad Association.

Bailey, Melvin A., Continental Telephone Company of South.

Balch, S. Eason, Jr., Alabama Power Company.

Bandy, Lloyd, Alabama Asphalt Pavement Association.

Banks, P. H. "Pat", National Federation of Independent Business.

Baril, Eugene A., General Telephone Company of the Southeast.

Bates, C. W., United States Pipe and Foundry Co.; Jim Walter Re-  
sources.

Beasley, Rebecca B., Medical Services Administration, State of Ala-  
bama.

Beers, Gary, Capitol Associates.

Bell, Ann, Board of Registrars.

Bell, Jack, Alabama State Policemen's Association.

Bentley, Rebecca, Honorable C. C. Torbert, Jr.

Bethea, Joseph P., Chevron, U.S.A., Inc., and its parent corporation,  
Standard Oil Company of California and subsidiaries.

Bigger, Mrs. Minnie Lee, Retired State Employee.

Bingham, John, Alabama Power Company.

Bishop, H. Radford, American Investment Company.

Black, Diane C., Alabama Hospital Association.

- Blackwell, Fred A., Steel Workers Legislative Committee.
- Blankenship, Eddie, David Vann.
- Boone, Robert C., Gulf Oil Corporation.
- Bowick, Robert M., 3 M Company.
- Brand, James B., Jr., Associated Industries of Alabama.
- Braddock, Charles T., Brotherhood Maintenance of Way Employees.
- Bradley, Stephen E., Alabama Press Association.
- Brand, James B., Jr., Associated Industries of Alabama.
- Braswell, Thelma, Alabama Education Association.
- Brindley, Joe, University of Montevallo.
- Britton, James Judson, Alabama Chamber of Commerce.
- Brooks, James D., Olin Corporation; Ciba-Geigy Corporation.
- Brown, David C., University of North Alabama.
- Buffaloe, B. E., Union Carbide Corporation.
- Burke, Charles W., Distilled Spirits Council of U.S., Inc.
- Burks, A. A., Alabama A & M University.
- Burrell, Richard J., Household Finance Corporation.
- Burton, Linnie C., Retired Teachers.
- Byars, Jerry C., The Drummond Company.
- Butler, Peter T., Alabama State Employees Association.
- Byrd, Ross L., Alabama Bankers Association.
- Cagle, Carolyn, Alabama Live-in-Landmark Council.
- Calvin, B. P., Mid Gulf Chapter-Associated Builders & Contractor, Inc.
- Cameron, James W., Alabama Independent Automobile Dealers Association; Alabama Tire Dealers & Retreaders Association.
- Cantrell, Earnest H., Fraternal Order of Police.
- Carlton, John P., City of Birmingham.
- Carpenter, Joseph T., Alabama Independent Tire Dealers Association; Alabama State Bar Association; Alabama Automotive Dismantlers and Recyclers Association.
- Carr, Bruce, Laborers International Union.
- Casey, John S., Alabama Railroad Association.
- Castle, John H., Mobile Gas Service Corporation.
- Chambers, E. T., Homebuilders Association of Alabama.
- Chamlee, Al S., Ciba-Geigy Corporation.

- Cheatwood, Kenneth Earl, Self.
- Chisler, Clair, Alabama Society of Land Surveyors.
- Christian, James M., Ciba-Geigy Pharmaceutical Division.
- Clark, James S., Central Bancshares of the South.
- Clayton, Jack, Christian Perspective.
- Cloud, John W., Alabama Peace Officers Association.
- Cobb, William J., South Central Bell.
- Coleman, Sam L., Self.
- Coleman, Thomas L. Jr., Alabama State Policeman's Association.
- Corr, R. C. Jr., Oneonta Telephone Co., Inc.
- Cousins, John L., Fraternal Order of Police.
- Cowan, Chester R. Jr., Graysville City Hall.
- Crow, Warren B. III, Alabama Independent Insurance Agents.
- Crozier, Larry, Alabama State Policeman's Association.
- Crompton, Robert B. Jr., Association of County Commissioners; American Amiable Insurance; Computer Election Systems.
- Cunningham, R. J., Alabama Association of Life Underwriters; Alabama Hotel and Motel Association.
- Dart, Thomas R., Alabama Petroleum Council.
- Davidson, James Rudolph, University of Alabama in Birmingham.
- Dawkins, Joe M., II, Office of Consumer Protection.
- Dismukes, Marguerite G., Dan Allen Williams.
- Dolbare, Jeffery Blow, Alabama Education Association.
- Dorrill, John H., Jr., Alabama Farm Bureau Federation.
- Dowdy, Cecil E., Creative Displays, Inc.
- Downey, Bruce J., III, Alabama League of Savings Associations.
- Dupree, Cecil E., Gra Ceba Telephone Company.
- Eden, Tom, Alabama Textile Mfgs. Association.
- Edger, Dwight Curtis, Fraternal Order of Police.
- Edington, Robert, Dr. Gerald Wallace.
- Elliott, Earnest W., Chrysler Corporation.
- Ellis, Marion F., Alabama Volunteer Firefighters Association.
- Enfinger, Floyd C., Jr., Honorable C. C. Torbert, Jr.
- Engelhardt, Sam, Alabama Power Company.
- Epperson, Bruce K., Fraternal Order of Police No. 1, Birmingham Ret. Officers Association.



- Ezell, Mark, Butler Telephone Company; Millry Telephone.
- Farish, Edward S., Department of Conservation & Natural Resources.
- Farish, Preston T., Alabama A & M University.
- Fields, Edward E., Mobile Gas Service Corporation.
- Fields, Jane, Alabama State Policeman's Association.
- Finley, Robert, Department of Public Health.
- Fitzpatrick, George D., Alabama Credit Union League.
- Flynn, Jenny C., Board of Registrars.
- Folsom, Jack, Mayor and City of Birmingham.
- Foshee, E. C., Southeast Contractors; Alabama Retired Military Association.
- Foshee, Glenn C., Montgomery Fire Fighters Association, Local 1444.
- Gallion, Thomas T., III, American Mutual Insurance Alliance (The Alliance).
- Gattis, James Edward, Jr., Alabama Education Association.
- Gibson, Don, Troy State University.
- Godwin, Jay, Alabama Council of Retired Off. Assn's of Chapters.
- Goodgame, Marnie, Alabama Trucking Association.
- Gray, F. Howard, Jr., Alabama Council for School Administration & Supervision.
- Gray, James A., Alabama Road Builders Association, Inc.
- Green, William L., United States Pipe & Foundry Co.; Jim Walter Resources, Inc.
- Hale, Morris Gresham, Mental Health.
- Hallam, Philip G., Alabama Wholesale Beer & Wine Association.
- Hamilton, D. N., Alabama League of Municipalities; Am. Rec. Ins. Association; City of Montgomery; Association of Clerks & Registers.
- Hamilton, Michael R., Alabama Education Association.
- Harris, Patrick, Unified Judicial System.
- Henderson, Anita F., Alabama Educational Television Commission.
- Hinch, L. J., Chrysler Corporation.
- Holsenbeck, Daniel, Auburn University in Montgomery.
- Hooper, Perry O., Jr., Alabama Textile Manufacturers Association.
- Hopper, Mrs. Arnell I., Alabama-Miss. Independent Telephone Association.
- Horne, John, Alabama Rural Electric.
- House, W. Mike, Blue Cross-Blue Shield.

Hubbert, Paul, Alabama Education Association.  
Hudson, James H., Eli Lilly & Co.  
Hydrick, Robert T., The Mead Corporation.  
Jennings, Charles Dwight, Creative Displays, Inc.  
Jetton, Bruce, Alabama Trial Lawyers Association.  
Johnsey, Walter, Alabama Power Company; Capitol Development Co.  
Johnson, John B., Alabama Petroleum Council.  
Johnston, Jr. Reese, Jr., Jefferson County.  
Keahey, Ronnie E., Pine Belt Telephone Company, Inc.  
Kelce, William M., Alabama Surface Mining-Reclamation Cncl.  
Kelly, H. Boyd, Jr., Alabama Forestry Association.  
Kennedy, M. M., Jr., Monroeville Telephone Company, Inc.  
King, A. M., Equifax, Inc.  
Kirkland, Reo, Jr., Probate Judges Association.  
Knight, Vernon D., Alabama Optometric Association.  
Knipe, William A., Retired State Employee-Revenue Department (Self).  
Kumpf, Michael M., Gulf Oil Corporation—Mr. K. R. Murphy.  
Kyser, Jerry C., Homebuilding Association of Alabama.  
LaBelle, Ernest, TRW, Inc.  
Lacy, Alex S., Alabama Gas Corporation.  
Lanier, Jess, Alabama Road Builders and Alabama Asphalt Association.  
Lewis, Imogene H., Retired Teachers.  
Liggett, Robert L., Alabama Trucking Association, Inc.  
Livingston, Edwin K., Alabama Tax Assessors & Collectors.  
Livingston, Luther W., Jr., Sandoz Pharmaceuticals.  
Lollar, Wilburn, R., United Mine Workers of America.  
Longerbeam, F. Thomas, Motor Vehicle Manufacturers Assn.  
Lowden, James E., Jr., Alabama Christian Education Association.  
Lumpkin, B. J., Alabama Firefighters Pension Fund Association.  
Lyle, Faye, Board of Registrars.  
Lynn, Lawson M., The American Legion Department of Alabama.  
McDearman, Murray, Alabama Travel Council.  
McDonald, Charles, Alabama Retail Association.  
McGough, Jesse O., Steelworkers Legislative Committee.

McGregor, Tom, Alabama Gas Corporation.

McMillan, Harry, Alabama Bancorporation.

Mann, Floyd H., University of Alabama.

Martin, Mrs. Ella G., Alabama-Mississippi Independent Telephone Association.

Mathews, Charles T., Alabama Farm Bureau Insurance Co.

Matthews, Samuel, Alabama Educational Television Commission.

Melton, Oakley, Jr., Alabama Soft Drink Association.

Middleton, Ruby B., Alabama State Chiropractic Association.

Miller, John W., Home Builders Association of Alabama.

Miller, Largent M., Alabama-Mississippi Independent Telephone Association.

Mitchell, Ken, Home Builders Assn. of Alabama.

Mitchell, Sally, Alabama Congress of Parents & Teachers.

Mobley, Gilbert, Associated Industries of Alabama.

Moon, Stephen L., Fraternal Order of Police.

Morgan, Claude R. Jr., Alabama Labor Department.

Morgan, Wendell R., Department of Mental Health.

Nelson, Mrs. Harry, Mrs. George H. Stephens, Alabama Congress of Parents & Teachers.

O'Connor, Bill, Department of Mental Health.

Owens, Mary F., Retired State Employee.

Parker, William G., Alabama Education Association.

Parsons, Milton K., Alabama Farm Bureau Federation.

Patterson, Freddie, Alabama Farm Bureau Federation.

Patterson, L. P., Alabama Dental Association.

Pepperman, J. Ed, U. S. Brewers Association, Inc.

Phelps, Sherrill Earl, Homemakers Upjohn.

Pilgrim, Carl O., Council for the Advancement of Private Colleges in Alabama.

Price, William H., Alabama State Employees Association.

Price, Vic, Alabama State Employees Association.

Quinn, Randy, Alabama Association of School Boards.

Reaves, Randolph P., Alabama Dental Association; Alabama Psychological Assn. Division 1, Licensed Psychologists.

Reeder, James W., Self.

Renshaw, J. P., Fraternal Order of Police.

Richardson, E. Clark, Alabama Power Company.

Ritchie, James I., Alabama Trucking Association.

Roquemore, Perry Crawford, Jr., Alabama League of Municipalities.

Roton, Gladys, Retired State Employee Association.

Roton, Robert C., State Retired Employees.

Rousseau, Robert Steven, Fraternal Order of Police Lodge #6.

Rowe, Charlie, Jacksonville State University.

Russell, Robert J., Alabama Association of Realtors, Assoc. General Contractors of America, Inc.; Alabama Veterinary Med. Assn.; Nat'l Mngt., Inc.; Alabama Occupational Therapy Assn.

Schmitz, Donald, Alabama Counselor Action Assn. & Alabama Personnel & Guidance Association.

Segrest, Philip Dale, Council for the Advancement of Private Colleges in Alabama.

Sexton, Cecil D., D. P. F. F. of Alabama.

Shamburger, John C., Gulf Oil Exploration and Production Company.

Sharp, Philip L., Jean Amos

Sharpless, Oscar, Association of County Commissions of Alabama.

Simon, Otto E., Prichard Water & Sewer Board.

Skinner, T. Julian, Jr., Alabama By-Products Corporation.

Sloan, Joseph E., General Motors Corporation.

Smith, Arthur F., Jr., The American Legion, Department of Alabama.

Smith, Joseph Wilson, Alabama Chamber of Commerce.

Smith, Maury D., United States Brewers Association.

Smith, Philip H., Talladega College; Mid-Alabama Marine Association.

Smith, Walter Clifford, II, Alabama Chamber of Commerce.

Snow, Diana D., Alabama Personnel & Guidance Association; American Association Marriage & Family Counselors.

Snow, T. E., Gulf States Paper Corporation.

Sorrells, Reginald Lee, Association of County Commissions of Alabama.

Sparks, Joe Edward, The University of Alabama in Huntsville.

Spradling, Charles G., Jr., Low-Income Clients of Legal Aid Society of Madison County.

Springer, Curtis H., Jr., Alabama Dairy Products Association, Inc.

Spruiell, Clemit W., Livingston University.

St. John, Vernon L., NRTA & American Association of Retired Persons.

- Stansell, Ted M., Municipal Electric Utility Association of Alabama.
- Steele, James E., Fraternal Order of Police.
- Stephens, Mrs. George H., Alabama Congress of Parents & Teachers.
- Stewart, Margaret N., Retired State Employees.
- Strain, Robert E., U. S. Steel Corporation.
- Street, James A., Alabama Council for School Administration and Supervision.
- Streetman, Harold E., Automobile Dealers Association of Alabama, Inc.
- Sumrall, Curtis E., Self.
- Tankersley, Phil, Alabama State Employees Association.
- Taylor, Audette P., Alabama Firefighters Association.
- Taylor, Roland L., Alabama Volunteer Firefighters Association.
- Thiemonge, Frank Jr., Alabama Safety Council, Inc.
- Thorpe, John W., Gulf Telephone Co.
- Tiffany, David M., Office of the President, University of South Alabama.
- Timmons, Robert D. "Bobby", Alabama Sheriffs Association.
- Underwood, Kenneth, South Central Bell.
- Vaughan, Howard, Liberty National Life Insurance Company.
- Vogtle, Jesse S., Alabama Power Company.
- Walker, Harry T., Fraternal Order of Police.
- Wasson, Don F., Alabama Mining Institute.
- Watkins, Betty Jo, Olin Corporation.
- Watkins, John F., Alabama League of Municipalities.
- Welch, Robert E., Montgomery Fire Fighters Local 1444.
- Wethington, L. R., Montgomery Fire Fighters Association.
- Whitaker, Richard C., Medical Association of the State of Alabama.
- White, J. Herbert, Auburn University.
- Wilhoit, C. E., Fraternal Order of Police, Retired.
- Williams, Charles H., Jr., Mid-Continent Oil & Gas Association.
- Willis, Henry E., Fraternal Order of Police, Lodge #1, Birmingham.
- Wilson, E. Ham, Alabama Cattlemen's Association.
- Winston, Glenn B., The Emergency Land Fund of Alabama; The Great Western Corporation.
- Wood, James C., Prichard Water and Sewer Board.
- Worthy, Mildred J., Alabama Education Association.
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**ROSTER OF THE SENATE OF ALABAMA****1978**

|   |   |
|---|---|
| Jere Beasley, <i>Lieutenant Governor</i> .....        | State Capitol, Montgomery                                       |
| Joe Fine, <i>President Pro-Tem</i> .....              | Russellville  |
| McDowell Lee, <i>Secretary</i> .....                  | Montgomery  |
| Mrs. William R. Lawley, Jr., <i>Chief Clerk</i> ..... | Montgomery  |
| First Senatorial District                             |   |
| Oscar Ray Peden .....                                 | 225 Wilson Ave., Florence 35630                                 |
| Second Senatorial District                            |   |
| Joe Fine .....  | P. O. Box 818, Russellville 35653                               |
| Third Senatorial District                             |   |
| Bingham Edwards .....                                 | P. O. Box 632, Decatur 35601                                    |
| Fourth Senatorial District                            |   |
| Finis St. John .....                                  | P. O. Drawer K, Cullman 35055                                   |
| Fifth Senatorial District                             |   |
| Robert T. (Bob) Wilson .....                          | 1501 First Ave., Jasper 35501                                   |
| Sixth Senatorial District                             |   |
| Albert McDonald .....                                 | 6800 Madison Pike, Huntsville 35806                             |
| Seventh Senatorial District                           |   |
| Bill G. King .....                                    | P. O. Box 382, Huntsville 35804                                 |
| Eighth Senatorial District                            |   |
| John Baker .....                                      | Route 3, Rainsville 35986                                       |
| Ninth Senatorial District                             |   |
| Sid McDonald .....                                    | P. O. Box 546, Arab 35016                                       |
| Tenth Senatorial District                             |   |
| Gerald W. Waldrop .....                               | 181 Lakeshore Dr., (Rt. 10, Box 192A)<br>Gadsden 35901          |
| Eleventh Senatorial District                          |   |
| George McMillan .....                                 | 1550 First National-Southern Natural Bldg.,<br>Birmingham 35203 |
| Twelfth Senatorial District                           |   |
| Paschal P. "Pat" Vacca .....                          | 929-30 Frank Nelson Bldg.,<br>Birmingham 35203                  |
| Thirteenth Senatorial District                        |   |
| J. Richmond Pearson .....                             | P. O. Box 11135, Birmingham 35202                               |
| Fourteenth Senatorial District                        |   |
| Robert L. "Bob" Ellis, Jr. ....                       | 509 Poplar Lane, Adamsville 35005                               |
| Fifteenth Senatorial District                         |   |
| U. W. Clemon .....                                    | 2121 Building, Suite 1600<br>Birmingham 35203                   |
| Sixteenth Senatorial District                         |   |
| Richard C. Shelby .....                               | 324 First Federal Bldg.,<br>Tuscaloosa 35401                    |

## Seventeenth Senatorial District

Eddie Hubert Gilmore ..... P. O. Box 546, Bessemer 35020

## Eighteenth Senatorial District

Lister Hill Proctor ..... 121 N. Norton, Sylacauga 35150

## Nineteenth Senatorial District

John Teague ..... P. O. Box 427, Childersburg 35044

## Twentieth Senatorial District

Donald W. Stewart ..... P. O. Box 2182, Anniston 36201

## Twenty-first Senatorial District

T. D. (Ted) Little ..... P. O. Box 342, Auburn 36830

## Twenty-second Senatorial District

G. J. (Dutch) Higginbotham ..... P. O. Box 585, Opelika 36801

## Twenty-third Senatorial District

T. Dudley Perry ..... P. O. Box 419, Tuskegee 36083

## Twenty-fourth Senatorial District

Sam L. Adams ..... 129 S. Oates, Dothan 36301

## Twenty-fifth Senatorial District

Wallace Miller ..... P. O. Box 765, Enterprise 36330

## Twenty-sixth Senatorial District

Jerry Powell ..... 116 Company St., Wetumpka 36092

## Twenty-seventh Senatorial District

Fred Jones ..... 132 S. Perry St., Montgomery 36104

## Twenty-eighth Senatorial District

"Walking" Wendell Mitchell ..... P. O. Box 225, Luverne 36049

## Twenty-ninth Senatorial District

Earl Goodwin ..... P. O. Box 1039, Selma 36701

## Thirtieth Senatorial District

Bert Bank ..... #7 Burnt Pine, Rt. 2, Northport 35476

## Thirty-first Senatorial District

Maston Mims ..... Rt. One, Uriah 36480

## Thirty-second Senatorial District

L. D. (Dick) Owen, Jr. .... 1301 Forrest Park Avenue,  
Bay Minette 36507

## Thirty-third Senatorial District

Mike Perloff ..... 257 St. Anthony St., Mobile 36603

## Thirty-fourth Senatorial District

L. W. "Red" Noonan ..... 161 McGregor Ave., Mobile 36608

## Thirty-fifth Senatorial District

Bill Roberts ..... 148 Tuscaloosa Street, Mobile 36607

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**STANDING COMMITTEES  
OF THE  
ALABAMA STATE SENATE  
1978**

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**FINANCE AND TAXATION**

Owen, Chairman; Shelby, Vice-Chairman; Adams, Baker, Edwards, Fine, Gilmore, Jones, King, Mitchell, Pearson, Perloff, Powell, Stewart, Vacca, Waldrop, Wilson.

**RULES**

Clemon, Chairman; Mims, Vice-Chairman; Fine, Gilmore, Mitchell, Owen, Shelby.

**JUDICIARY**

St. John, Chairman; Mitchell, Vice-Chairman; Clemon, King, Little, A. McDonald, S. McDonald, McMillan, Peden, Perloff, Perry, Powell, Shelby, Vacca, Waldrop.

**CONSTITUTION AND ELECTIONS**

King, Chairman; Ellis, Vice-Chairman; Adams, Little, A. McDonald, S. McDonald, Miller, Noonan, Pearson, Peden, Perloff, Perry, Roberts, St. John, Vacca.

**BUSINESS AND LABOR RELATIONS**

Waldrop, Chairman; Little, Vice-Chairman; Ellis, Goodwin, A. McDonald, McMillan, Miller, Noonan, Powell, Stewart, Teague.

**CONSERVATION**

Pearson, Chairman; Adams, Vice-Chairman; Clemon, Higginbotham, Mims, Mitchell, Roberts, Stewart, Wilson.

**EDUCATION**

S. McDonald, Chairman; Clemon, Vice-Chairman; Adams, Bank, Ellis, Little, A. McDonald, Mitchell, Pearson, Peden, Perry, Powell, Roberts, Shelby, Waldrop.

**HEALTH AND WELFARE**

Bank, Chairman; Noonan, Vice-Chairman; Goodwin, A. McDonald, S. McDonald, McMillan, Miller, Powell, Waldrop.

**BANKING**

Fine, Chairman; Vacca, Vice-Chairman; Gilmore, Jones, Mitchell, Powell, Stewart, Teague, Wilson.

**INSURANCE**

Mitchell, Chairman; Teague, Vice-Chairman; Baker, Goodwin, King, Mims, Powell, Shelby, Wilson.



AGRICULTURE

Mims, Chairman; A. McDonald, Vice-Chairman; Adams, Baker, Bank, Edwards, Ellis, Goodwin, Little, Miller, Noonan, Perry, Vacca.

COMMERCE, TRANSPORTATION, AND UTILITIES

Gilmore, Chairman; McMillan, Vice-Chairman; Edwards, Fine, S. McDonald, Mims, Pearson, Teague, Wilson.

STATE GOVERNMENT

Jones, Chairman; Gilmore, Vice-Chairman; Bank, Clemon, Higginbotham, McMillan, Miller, Perloff, Shelby, St. John, Stewart.

LOCAL GOVERNMENT

Roberts, Chairman; Perry, Vice-Chairman; Baker, Bank, Ellis, Little, A. McDonald, Proctor, St. John, Vacca, Waldrop.

SEAPORTS AND INLAND WATERWAYS

Noonan, Chairman; Edwards, Vice-Chairman; Adams, Higginbotham, Jones, Peden, Perloff, Roberts, Wilson.

LOCAL LEGISLATION NO. 1

Baker, Chairman; Proctor, Vice-Chairman; Edwards, Jones, King, Mims, Noonan, Peden, Perloff.

LOCAL LEGISLATION NO. 2

Gilmore, Chairman; Vacca, Vice-Chairman; Clemon, Ellis, McMillan, Pearson, Proctor, Wilson.

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**STANDING COMMITTEE ASSIGNMENTS****FOR 1978****ALABAMA STATE SENATE****24th District**

**SAM L. ADAMS**—Vice-Chairman Conservation, Finance and Taxation, Constitution and Elections, Education, Agriculture, Seaports and Inland Waterways.

**8th District**

**JOHN BAKER**—Chairman Local Legislation No. 1, Finance and Taxation, Insurance, Agriculture, Local Government.

**30th District**

**BERT BANK**—Chairman Health & Welfare, Education, Agriculture; State Government, Local Government.

**15th District**

**U. W. CLEMON**—Chairman Rules, Vice-Chairman Education, Judiciary, Conservation, State Government, Local Legislation No. 2.

**3rd District**

**BINGHAM EDWARDS**—Vice-Chairman Seaports & Inland Waterways, Finance & Taxation, Agriculture, Commerce, Transportation & Utilities, Local Legislation No. 1.

**14th District**

**ROBERT L. ELLIS, JR.**—Vice-Chairman Constitution & Elections, Business & Labor Relations, Education, Agriculture, Local Government, Local Legislation No. 2.

**2nd District**

**JOE FINE**—Chairman Banking, Finance & Taxation, Rules, Commerce, Transportation & Utilities.

**17th District**

**EDDIE HUBERT GILMORE**—Chairman Commerce, Transportation & Utilities, Chairman Local Legislation No. 2, Vice-Chairman State Government, Finance & Taxation, Rules, Banking.

**29th District**

**EARL GOODWIN**—Business & Labor Relations, Health & Welfare, Insurance, Agriculture.

**22nd District**

**G. J. (DUTCH) HIGGINBOTHAM**—Constitution & Elections, Conservation, State Government, Seaports & Inland Waterways.

**27th District**

**FRED JONES**—Chairman State Government, Finance & Taxation, Banking, Seaports & Inland Waterways, Local Legislation No. 1.

**7th District**

**BILL G. KING**—Chairman Constitution & Elections, Finance & Taxation, Judiciary, Insurance, Local Legislation No. 1.

## 21st District

T. D. (TED) LITTLE—Vice-Chairman Business & Labor Relations, Judiciary, Constitution & Elections, Education, Agriculture, Local Government.

## 6th District

ALBERT McDONALD—Vice-Chairman Agriculture, Judiciary, Constitution & Elections, Business & Labor Relations, Education, Health & Welfare, Local Government.

## 9th District

SID McDONALD—Chairman Education, Judiciary, Constitution & Elections, Health & Welfare, Commerce, Transportation & Utilities.

## 11th District

GEORGE McMILLAN—Vice-Chairman Commerce, Transportation & Utilities, Judiciary, Business & Labor Relations, Health & Welfare, State Government, Local Legislation No. 2.

## 25th District

WALLACE MILLER—Constitution & Elections, Business & Labor Relations, Health & Welfare, Agriculture, State Government.

## 31st District

MASTON MIMS—Chairman Agriculture, Vice-Chairman Rules, Conservation, Insurance, Commerce, Transportation & Utilities, Local Legislation No. 1.

## 28th District

WENDELL MITCHELL—Chairman Insurance, Vice-Chairman Judiciary, Finance & Taxation, Rules, Conservation, Education, Banking.

## 34th District

L. W. NOONAN—Chairman Seaports & Inland Waterways, Vice-Chairman Health & Welfare, Constitution & Elections, Business & Labor Relations, Agriculture, Local Legislation No. 1.

## 32nd District

L. D. OWEN—Chairman Finance & Taxation, Rules.

## 13th District

J. RICHMOND PEARSON—Chairman Conservation, Finance & Taxation, Constitution & Elections, Education, Commerce, Transportation & Utilities, Local Legislation No. 2.

## 1st District

OSCAR RAY PEDEN—Judiciary, Constitution & Elections, Education, Seaports & Inland Waterways, Local Legislation No. 1.

## 33rd District

MIKE PERLOFF—Finance & Taxation, Judiciary, Constitution & Elections, State Government, Seaports & Inland Waterways, Local Legislation No. 1.

## 23rd District

T. DUDLEY PERRY—Vice-Chairman Local Government, Judiciary, Constitution & Elections, Education, Agriculture.

## 26th District

JERRY POWELL—Finance & Taxation, Judiciary, Business & Labor Relations, Education, Health & Welfare, Banking, Insurance.

**18th District**

**LISTER HILL PROCTOR**—Vice-Chairman Local Legislation No. 1, Local Government, Local Legislation No. 2.

**35th District**

**BILL ROBERTS**—Chairman Local Government, Constitution & Elections, Conservation, Education, Seaports & Inland Waterways.

**4th District**

**FINIS ST. JOHN**—Chairman Judiciary, Constitution & Elections, State Government, Local Government.

**16th District**

**RICHARD SHELBY**—Finance & Taxation, Rules, Judiciary, Education, Insurance, State Government.

**20th District**

**DONALD STEWART**—Finance & Taxation, Business & Labor Relations, Conservation, Banking, State Government.

**19th District**

**JOHN TEAGUE**—Vice-Chairman Insurance, Business & Labor Relations, Banking, Commerce, Transportation & Utilities.

**12th District**

**PAT VACCA**—Vice-Chairman Banking, Vice-Chairman Local Legislation No. 2, Finance & Taxation, Judiciary, Constitution & Elections, Agriculture, Local Government.

**10th District**

**GERALD WALDROP**—Chairman Business & Labor Relations, Finance & Taxation, Judiciary, Education, Health & Welfare, Local Government.

**5th District**

**ROBERT T. WILSON**—Finance & Taxation, Conservation, Banking, Insurance, Commerce, Transportation & Utilities, Seaports & Inland Waterways, Local Legislation No. 2.

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**HOUSE OF REPRESENTATIVES  
ALPHABETICAL ROSTER AND  
DISTRICT NUMBER**

Robert E. Albright, 20  
Richard Andrews, 34  
Ralph (Buddy) Armstrong, 50  
James A. Baker, 66  
Bishop N. Barron, 79  
Jack Biddle, III, 35  
Hugh Boles, 42  
James E. Buskey, 99  
Donald G. Holmes, 58  
H. L. (Sonny) Callahan, 101  
Frank Campbell, 90  
Joe R. Carothers, Jr., 71  
Tommy Carter, 16  
Eric O. Cates, Jr., 84  
George N. Clark, 88  
Tom C. Coburn, 3  
J. Gary Cooper, 103  
Buddy Crawford, 70  
Wayland Cross, 7  
Robert T. Crowe, 12  
Gerald Dial, 60  
Tom Drake, 10  
William Edwards, 83  
Francis Falkenburg, 32  
Joel M. Folmar, 68  
Joe M. Ford, 28  
Robert C. Gafford, 33  
Bob Glass, 105  
J. W. Goodwin, 4  
Lynn Greer, 1  
Richard Gregg, 19  
Robert B. (Bob) Hall, 15  
James D. Harris, Jr., 81  
A. L. (Tony) Harrison, 44  
Robert M. Hill, Jr., 2  
Earl F. Hilliard, 45

Leon Brooks Hines, 91  
Jimmy W. Holley, 74  
Alvin Holmes, 80  
Jack Hopping, Sr., 40  
Asbury Howard, 49  
Frank Jackson, 75  
Ronald E. Jackson, 38  
Roy W. Johnson, Jr., 47  
Douglas Johnstone, 104  
Carl Jolly, 14  
Phillip B. (Phil) Kelley, 26  
Cain J. Kennedy, 98  
Roger Killian, 24  
Daniel L. Kinsey, 94  
Charles Langford, 77  
James G. Lee, 46  
Tom Leonard, 37  
John A. Lockett, Jr., 85  
Hartwell Lutz, 22  
Murray P. McCluskey, 54  
Joe C. McCorquodale, Jr., 92  
J. Henry McCulley, 96  
John M. McMillan, Jr., 95  
Chris McNair, 41  
Allen McNees, 6  
Richard S. (Rick) Manley, 87  
Charles B. Martin, 8  
Hugh D. Merrill, 59  
Hinton Mitchem, 25  
Sonny Moore, Jr., 52  
Warren C. Moore, 17  
Larry Morris, 62  
Alvis Naramore, 13  
Walter Owens, 48  
R. Leigh Pegues, 86  
James J. Plaster, 82

|                                 |                                |
|---------------------------------|--------------------------------|
| Marilyn Quarles, 56             | Hubert L. Taylor, 29           |
| Thomas Reed, 67                 | Louphenia Thomas, 39           |
| Kerry Rich, 30                  | Bill Towns, 27                 |
| Frank Riddick, 18               | Hoyt W. Trammell, 36           |
| Tommy Ed Roberts, 9             | Jerome Tucker, 43              |
| Edward Robertson (Big Ed), 89   | Pete Turnham, 63               |
| J. Thomas (Tommy) Sandusky, 100 | Jack Venable, 76               |
| James G. Sasser, 69             | J. T. (Jabo) Waggoner, Jr., 51 |
| Tom Shelton, 57                 | Shelby D. Ward, 64             |
| Wallace Shoemaker, 55           | J. E. (Jimmy) Warren, 93       |
| Bill Smith, 21                  | Paul J. Weeks, 5               |
| Curtis Smith, 53                | Charles W. Whatley, 65         |
| Jack W. Smith, 73               | Dr. Dewey White, Jr., 31       |
| Monroe Smith, 61                | R. Nolan Williams, 72          |
| Nat Sonnier, 102                | Cecil Wyatt, 78                |
| John R. Sparks, 11              | Dal C. Younce, 97              |
| Bethel D. Starkey, 23           |                                |

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**ROSTER**  
**HOUSE OF REPRESENTATIVES**  
**OF ALABAMA, 1978**

JOE C. McCORQUODALE, JR., *Speaker*, Jackson

ROBERT T. (BOBBY TOM) CROWE  
*Speaker Pro-Tem*, Jasper

JOHN W. PEMBERTON, *Clerk*, Montgomery

**MEMBERS OF THE HOUSE**

| <b>Dist.<br/>No.</b> | <b>Counties</b>               | <b>Name</b>                    | <b>Address</b>                             |
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- 21 MADISON  
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- 40 JEFFERSON  
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**LEGISLATIVE DAYS—REGULAR SESSION, 1978**

| <i>Legislative Days—Calendar Days</i>             | <i>Page</i> |
|---|-------------|
| FIRST DAY—Tuesday, January 10, 1978 .....         | 3           |
| SECOND DAY—Thursday, January 12, 1978 .....       | 95          |
| THIRD DAY—Tuesday, January 17, 1978 .....         | 140         |
| FOURTH DAY—Thursday, January 19, 1978 .....       | 154         |
| FIFTH DAY—Tuesday, January 24, 1978 .....         | 185         |
| SIXTH DAY—Thursday, January 26, 1978 .....        | 205         |
| SEVENTH DAY—Tuesday, January 31, 1978 .....       | 257         |
| EIGHTH DAY—Thursday, February 2, 1978 .....       | 279         |
| NINTH DAY—Thursday, February 9, 1978 .....        | 305         |
| TENTH DAY—Tuesday, February 14, 1978 .....        | 356         |
| ELEVENTH DAY—Thursday, February 16, 1978 .....    | 372         |
| TWELFTH DAY—Tuesday, February 21, 1978 .....      | 393         |
| THIRTEENTH DAY—Thursday, February 23, 1978 .....  | 494         |
| FOURTEENTH DAY—Tuesday, February 28, 1978 .....   | 524         |
| FIFTEENTH DAY—Thursday, March 2, 1978 .....       | 532         |
| SIXTEENTH DAY—Tuesday, March 7, 1978 .....        | 595         |
| SEVENTEENTH DAY—Thursday, March 9, 1978 .....     | 652         |
| EIGHTEENTH DAY—Tuesday, March 21, 1978 .....      | 697         |
| NINETEENTH DAY—Wednesday, March 22, 1978 .....    | 755         |
| TWENTIETH DAY—Thursday, March 23, 1978 .....      | 789         |
| TWENTY-FIRST DAY—Tuesday, March 28, 1978 .....    | 834         |
| TWENTY-SECOND DAY—Wednesday, March 29, 1978 ..... | 910         |
| TWENTY-THIRD DAY—Thursday, March 30, 1978 .....   | 944         |
| TWENTY-FOURTH DAY—Tuesday, April 4, 1978 .....    | 997         |
| TWENTY-FIFTH DAY—Wednesday, April 5, 1978 .....   | 1037        |
| TWENTY-SIXTH DAY—Thursday, April 6, 1978 .....    | 1107        |
| TWENTY-SEVENTH DAY—Tuesday, April 11, 1978 .....  | 1206        |
| TWENTY-EIGHTH DAY—Wednesday, April 12, 1978 ..... | 1326        |
| TWENTY-NINTH DAY—Thursday, April 13, 1978 .....   | 1583        |
| THIRTIETH DAY—Monday, April 24, 1978 .....        | 1700        |

## INDEX TO REGULAR SESSION, 1978

## TOPIC INDEX

## ABSENTEE ELECTION MANAGER

Provided for—

H 173, pages 836, 1010, 1675, 1735, Act 616

## ABUSE

Child, crime defined, penalties—

S 442, page 187

Spouse, penalties provided—

S 638, page 553

## ACCIDENTS

Motor vehicular, on any public road in police jurisdiction of towns of less than 2,000 population, investigation by public safety department required—

S 170, pages 47, 227

## ACTION

Rights of, for injury, death or property damage due to defective products, etc., abolished after certain length of time—

S 218, page 58

S 222, page 58

S 500, pages 258, 862, 1364

## ACUPUNCTURE

Physicians or surgeons permitted to practice—

S 617, page 548

## ACTS, AMENDED, GENERAL ACTS

1945 Acts, Act no. 2, p. 20, distribution of oil and gas tax revenue—  
S 217, pages 57, 292

1945 Acts, Act no. 35, p. 42, transfer of ownership of motor vehicles—  
S 425, pages 172, 184, 198, 810, 1666, 1679, 1700, Act 540  
S 565, page 358

1945 Acts, Act no. 248, p. 376, merit system employees—  
S 756, pages 999, 1344, 1595

1947 Acts, Act no. 324, p. 214, governor's survey of agencies and institutions—  
S 2, page 15

1947 Acts, Act no. 673, p. 514, vocational and trade schools—  
S 2, page 15  
S 206, page 53

1949 Acts, Act no. 530, p. 835, public health and licensure of hospitals—  
S 227, pages 60, 221

1951 Acts, Act no. 47, p. 259, educational benefits to certain disabled veterans—  
S 160, pages 45, 292, 942, 947, 1680, 1702, 2140, 2141, Act 585



## ACTS, AMENDED, GENERAL ACTS (Continued)

1951 Acts, Act no. 422, p. 745, regulation of real estate brokers, salesmen and transactions—

H 13, pages 212, 569, 1650, 1667, 1720, 1779, Act 654

1951 Acts, Act no. 712, p. 1250, bureau of publicity and information—

S 2, page 15

S 206, page 53

1953 Acts, Act no. 889, p. 1197, vocational trade schools—

S 2, page 15

S 206, page 53

1955 Acts, Act no. 47, p. 267, civil defense—

S 2, page 15

S 206, page 53

1955 Acts, Act no. 103, p. 346, state docks department—

S 2, page 15

S 206, page 53

1955 Acts, Act no. 516, p. 1160, nursing homes—

S 360, pages 145, 567, 1273

1957 Acts, Act no. 311, p. 408, inland docks—

S 226, pages 60, 154

1957 Acts, Act no. 352, p. 461, unit operation of a field for the production of oil or gas—

S 739, pages 912, 1011, 1069, 1096, 1669, 1701, 2141, Act 724

1957 Acts, Act no. 394, p. 539, state board of health—

S 2, page 15

S 206, page 53

1959 Acts, Act no. 576, p. 1442, registration and operation of vessels on waters of state—

S 224, page 59

1961 Acts, Act no. 474, p. 529, relocation of utility facilities when necessitated by federal-aid highway projects—

S 215, pages 57, 1017, 1047

1963 Acts, Act no. 565, p. 1188, working hours of firemen in cities over 29,000 population—

S 311, page 97

1963 Acts, Act no. 582, p. 1269, state board of health—

S 2, page 15

S 206, page 53

1965 Acts, Act no. 226, p. 323, employment of handicapped—

S 2, page 15

S 206, page 53

1965 Acts, Act no. 584, p. 1080, bear creek development authority—

S 344, pages 141, 956, 1243, 1635, 1677, 1700, Act 537

1966 Acts, Act no. 208, sp. sess., p. 256, compensation to surviving dependents of certain law enforcement officers and firemen—

H 133, page 1113

## ACTS, AMENDED, GENERAL ACTS (Continued)

- 1966 Acts, Act no. 281, sp. sess., p. 422, education benefits for dependents of blind parents—  
S 159, pages 45, 217, 941  
H 147, pages 298, 1044, 2133, 2139, Act 772
- 1966 Acts, Act no. 446, sp. sess., p. 603, state board of health—  
S 2, page 15  
S 206, page 53
- 1967 Acts, Act no. 217, 1st sp. sess., p. 259, competitive bidding—  
S 216, pages 57, 154
- 1967 Acts, Act no. 249, p. 629, council of Alabama law institute—  
H 1, pages 214, 294, 1241, 1720, 1779, Act 653
- 1967 Acts, Act no. 551, p. 1300, Alabama council on the arts and humanities—  
S 632, pages 552, 660, 861
- 1967 Acts, Act no. 760, p. 1616, American legion scholarships—  
S 248, pages 64, 111, 163, 1981, 1992, 2143, Act 676
- 1969 Acts, Act no. 281, p. 614, transportation of pupils to and from school—  
S 242, page 62  
H 139, pages 952, 1010
- 1969 Acts, Act no. 986, p. 1734, state board of examiners of nursing home administrators—  
S 476, page 206
- 1969 Acts, Act no. 1049, p. 1939, commissioner of agriculture and industries—  
S 2, page 15  
S 206, page 53
- 1971 Acts, Act no. 96, 1st sp. sess., p. 166, privilege tax on renting tangible personal property—  
S 229, pages 60, 319
- 1971 Acts, Act no. 707, p. 774, insurance code—  
S 110, page 37  
S 265, pages 66, 262, 828  
S 464, pages 191, 320
- 1971 Acts, Act no. 1403, p. 2363, inspection fees on certain petroleum products—  
S 228, pages 60, 155
- 1971 Acts, Act no. 1938, p. 3129, mobile home safety—  
S 447, page 188  
S 449, page 189
- 1971 Acts, Act no. 2059, p. 3320, agricultural and industrial exhibit commission—  
S 2, page 15  
S 206, page 53
- 1971 Acts, Act no. 2305, p. 3719, coal severance tax—  
S 18, page 20

## ACTS, AMENDED, GENERAL ACTS (Continued)

- 1971 Acts, Act no. 84, 3rd sp. sess., p. 4299, regulations of certain schools and courses of instruction sold to residents of state—  
S 395, page 166
- 1973 Acts, Act no. 763, p. 1145, subsistence allowances for law enforcement officers—  
S 57, pages 27, 114, 249
- 1975 Acts, Act no. 144, 3rd sp. sess., p. 387, personalized motor vehicle license plates—  
S 162, pages 45, 297, 1367
- 1975 Acts, Act no. 551, p. 1226, Alabama surface mining reclamation act—  
S 692, pages 706, 917, 1187
- 1975 Acts, Act no. 863, p. 1701, Alabama firefighters' personnel standards and education commission—  
S 208, pages 55, 115, 833, 1705, 1744, 2142, Act 778
- 1975 Acts, Act no. 903, p. 1786, compensation of clerk-secretary, office of district attorney, thirtieth judicial circuit—  
S 794, pages 1054, 1217, 1341
- 1975 Acts, Act no. 1106, p. 2185, retirement systems—  
S 702, pages 708, 954
- 1975 Acts, Act no. 1197, p. 2365, state health planning and development act—  
S 651, page 596  
H 652, pages 1175, 1593, 2135, 2140, Act 777
- 1975 Acts, Act no. 1205, p. 2385, implementation of judicial article—  
S 244, page 63  
H 179, pages 1111, 1212, 2134, 2140, Act 590
- 1975 Acts, Act no. 130, 4th sp. sess., p. 2853, compensation of supernumerary circuit judges—  
S 469, pages 192, 756, 867, 1635, 1678, 1700, Act 541
- 1976 Acts, Act no. 183, p. 176, good time credit for inmates—  
S 97, page 35  
S 158, page 45  
S 634, page 552  
S 635, page 552
- 1976 Acts, Act no. 372, p. 471, civil service systems for law enforcement officers—  
S 361, page 145  
S 621, pages 549, 957
- 1976 Acts, Act no. 512, p. 640, sunset act—  
S 489, pages 209, 319
- 1976 Acts, Act no. 565, p. 764, taxes and fees pledged to service bonds of Alabama federal aid highway finance authority—  
S 457, pages 190, 562, 1185  
H 336, pages 1109, 1220, 1682, 1738, Act 583

## ACTS, AMENDED, GENERAL ACTS (Continued)

- 1976 Acts, Act no. 637, p. 883, prisoners on county work-release program—  
S 563, page 358
- 1976 Acts, Act no. 703, p. 973, issuance of revenue bonds by docks department—  
S 237, pages 61, 154  
H 94, pages 211, 297, 793, 876, 937, Act 368
- 1976 Acts, Act no. 753, p. 1037, anatomical gift act—  
S 10, pages 19, 116
- 1976 Acts, Act no. 754, p. 1038, alternative sentencing of convicted offenders—  
S 266, pages 67, 117, 587
- 1977 Acts, Act no. 352, p. 470, distribution of code of Alabama, 1975—  
S 125, page 39  
S 209, page 56
- 1977 Acts, Act no. 600, p. 805, pay increase for certain law enforcement officers—  
H 150, pages 1112, 1578, 1648, 1691, 1737, Act 578
- 1977 Acts, Act no. 607, p. 812, criminal code—  
S 59, pages 28, 116  
S 61, pages 28, 219  
S 324, pages 99, 223  
S 494, pages 210, 658, 914  
S 514, page 280  
S 531, page 284  
S 549, pages 308, 559, 803, 873  
S 550, pages 308, 559, 803, 879  
S 551, page 308  
S 558, pages 357, 955, 1558, 1972, 1992, 2143, Act 678  
H 10, pages 1104, 1359, 2110, 2135, 2140, Act 770
- 1977 Acts, Act no. 636, p. 944, appropriations from general fund—  
S 202, pages 52, 111, 235, 1807, 1895, 2143, Act 669
- 1977 Acts, Act no. 637, p. 1020, public library service—  
S 11, pages 19, 112, 244, 1807, 1895, 2143, Act 664
- 1977 Acts, Act no. 751, p. 1290, regulation of water works systems—  
S 590, page 544
- 1977 Acts, Act no. 801, p. 1381, trapping of fur-bearing animals—  
H 942, pages 841, 1012, 1081, 1129, Act 432

## ACTS OF LEGISLATURE

- Printing of, further regulated—  
S 29, pages 22, 226

## ACTS REPEALED, GENERAL ACTS

- 1945 Acts, Act no. 346, p. 563, voter registration—  
S 378, pages 148, 179

## ACTS REPEALED, GENERAL ACTS (Continued)

- 1947 Acts, Act no. 324, p. 214, state detention institutions—  
S 2, page 15  
S 206, page 53
- 1947 Acts, Act no. 482, p. 331, voter registration—  
S 378, pages 148, 179
- 1947 Acts, Act no. 531, p. 388, voter registration—  
S 378, pages 148, 179
- 1949 Acts, Act no. 266, p. 390, voter registration—  
S 378, pages 148, 179
- 1949 Acts, Act no. 585, p. 912, voter registration—  
S 378, pages 148, 178
- 1950 Acts, Act no. 6, 4th spec. sess., p. 45, voter registration—  
S 378, pages 148, 178
- 1951 Acts, Act no. 750, p. 1299, voter registration—  
S 378, pages 148, 179
- 1951 Acts, Act no. 822, p. 1454, livestock running at large—  
S 540, pages 306, 1045
- 1956 Acts, Act no. 113, 1st sp. sess., actions for wrongful death—  
S 404, page 167
- 1957 Acts, Act no. 529, p. 725, voter registration—  
S 378, pages 148, 179
- 1959 Acts, Act no. 577, p. 1455, voter registration—  
S 378, pages 148, 179
- 1961 Acts, Act no. 92, p. 107, voter registration—  
S 378, pages 148, 179
- 1963 Acts, Act no. 514, p. 1098, sovereignty commission—  
S 2, page 15  
S 206, page 53
- 1964 Acts, Act no. 253, spec. sess., p. 350, voter registration—  
S 378, pages 148, 179
- 1965 Acts, Act no. 92, 1st sp. sess., p. 107, state safety coordinating  
committee—  
S 2, page 15  
S 206, page 53
- 1965 Acts, Act no. 829, p. 1557, voter registration—  
S 378, pages 148, 179
- 1969 Acts, Act no. 1115, p. 2050, beautification board—  
S 2, page 15  
S 206, page 53
- 1971 Acts, Act no. 2422, p. 3855, child abuse—  
S 442, page 187
- 1976 Acts, Act no. 533, p. 684, Indian affairs—  
S 323, page 99  
S 496, pages 210, 293, 1373, 1897, 1992, 2143, Act 677

## ADJUSTMENT, STATE BOARD OF

Moneys received by criminals as a result of a crime to be paid to, for distribution to victims—  
S 43, pages 24, 360

## ADVERTISING

"Bait", authorizing disclosure of quantity limitations in—  
S 531, page 284

Billboard, of alcoholic beverages in dry counties, further regulated—  
S 257, pages 65, 113, 247, 1119, 1122, 1698, Act 434

Fraudulent, declared to be unlawful practice, prosecution, penalties—  
S 36, pages 23, 563, 1551

Highway, further regulated—

S 68, pages 29, 116

S 98, pages 35, 260, 811, 1156, 1209, 1698, Act 383

S 414, pages 169, 1117

Magazine, solicitation by persons, firms, peace officers associations regulated—  
S 517, page 281

Of state parks by bureau of publicity and information, authorized—  
S 452, pages 189, 264, 320

## AERONAUTICS, STATE DEPARTMENT OF

Disbursement and management of certain funds further regulated—  
H 363, pages 1113, 1358, 2132, 2139, Act 774

## AGRICULTURAL PLANTS

Providing circumstances under which not deemed nuisances after operating one year—  
H 795, pages 1329, 1586

## AGRICULTURE

Diesel oil and tractor fuel used in, exempt from sales tax—  
S 183, pages 49, 115, 1549

Farm machinery exempt from ad valorem taxation—  
S 538, pages 285, 320

Seed, sale of further regulated—  
S 368, pages 147, 223

## AGRICULTURE AND INDUSTRIES, COMMISSIONER OF

Pesticides, enforcement by of act regulating, rules and regulations to implement—  
S 351, pages 143, 223

Pesticides, permit issued by for use of in entomological, pathological, horticultural, floricultural and tree surgery work—  
S 350, page 142

Salary increased—

S 243, pages 63, 660, 860, 928, 1713, 1745, 2142, Act 779

## AGRICULTURE AND INDUSTRIES, DEPARTMENT OF

Appropriation for eradication of swine disease—  
H 269, pages 244, 859

Weighmasters, permit fee increased—  
S 347, pages 142, 222, 231

## AGRICULTURE AND INDUSTRIES, STATE BOARD OF

Membership increased to include dean and director of the school of  
agriculture and the agricultural experiment station at Auburn  
University—  
S 349, pages 142, 222, 231

## ALABAMA A &amp; M UNIVERSITY

Appropriation—  
S 120, page 38  
S 387, pages 151, 218, 1311

## ALABAMA, STATE OF

Insurance, liability, carrying of for state employees required to drive  
vehicles, provided—  
S 115, pages 38, 38, 320, 1369

Suits against, authorized under certain conditions, CA—  
S 270, page 67

## ALABAMA STATE UNIVERSITY

Appropriation—  
S 495, page 210

## ALABAMA TECHNICAL COLLEGE

Appropriations—  
S 675, pages 654, 862

## ALCOHOLIC BEVERAGE CONTROL BOARD

Licenses issued by to manufacturers, wholesalers and retailers of  
wines—  
H 325, pages 1205, 1369

Officers of, granted certain powers in regard to controlled substances—  
S 609, pages 547, 657

## ALCOHOLIC BEVERAGES

Additional tax on, to be used for rehabilitation of alcoholics—  
S 20, page 21

Advertising of in dry counties, further regulated—  
S 257, pages 65, 113, 247, 1119, 1122, 1698, Act 434

Municipalities may legalize sale in, regardless of whether county is wet  
or dry—  
S 373, pages 148, 361

Net profits from, percentage to be apportioned to department of mental  
health—  
S 633, pages 552, 794, 973

**ALCOHOLIC BEVERAGES (Continued)**

Table wines, sale of by licensees authorized—  
H 325, pages 1205, 1369

**ALCOHOLICS**

Additional tax on alcoholic beverages to be used in rehabilitation of—  
S 20, page 21

**ALCOHOLISM**

Persons suffering from, percentage of profits of alcoholic beverage control board to be used in treatment of—  
S 633, pages 552, 794, 973

**ALEXANDER CITY STATE JUNIOR COLLEGE**

Appropriation—  
S 675, pages 654, 862

Naming building for Dr. W. Byron Causey—  
S 288, pages 71, 226, 829

**ALIMONY**

Termination of, if spouse remarries or lives with member of opposite sex, provided—  
H 824, pages 945, 1013, 2133, 2138, Act 596

**ALLEN, HONORABLE HARLAN G.**

George C. Wallace State Community College at Hanceville, administration building named for—  
H 158, pages 277, 703, 862, 965, 1039, Act 396

**ALLEN MEMORIAL HOME, INC.**

Taxes, sales and use, exempt from—  
S 326, pages 99, 560

**AMBULANCE SERVICES, INC., OF GADSDEN**

Taxes, sales and use, exempt from—  
S 648, pages 555, 953

**AMBULANCES**

Operation of, requirements for established—  
S 502, page 258

**AMERICAN DIABETES ASSOCIATION, ALABAMA AFFILIATE, INC.**

Taxes, sales and use, exempt from—  
S 102, pages 36, 218, 793

**AMERICAN FEDERATION OF TEACHERS**

Employees and officers of, may participate in teachers' retirement system—  
S 330, pages 100, 566



## AMERICAN LEGION

Taxes, sales and use, state headquarters of exempt from—  
S 207, pages 55, 115, 988, 1807, 1896, 2143, Act 670

## AMERICAN LEGION AUXILIARY

Number of scholarships increased—  
S 248, pages 64, 111, 163, 1981, 1982, 2143, Act 676

## AMVETS

Taxes, sales and use, exempt from—  
S 207, pages 55, 115, 988, 1807, 1896, 2143, Act 670

## ANATOMICAL GIFT LAW

Amended to exclude minors—  
S 10, pages 19, 116

## ANIMALS

Coyotes, importation of prohibited—  
H 1008, page 1330

Foxes, capture and relocation of provided—  
S 321, pages 98, 599

Foxes, hunting of by dogs permitted, trapping or shooting prohibited—  
S 653, pages 596, 1114

Foxes, purchase or sale of green hides, raw furs or pelts of, prohibited—  
S 325, pages 99, 1114

Fur-bearing, trapping of prohibited except on own property—  
S 753, page 962  
H 942, pages 841, 1012, 1081, 1129, Act 432

Mistreated, taking of by certain officers and employees of humane societies, further regulated—  
S 619, page 549

Rabbits, domestically raised, slaughter, inspection or processing for human consumption authorized—  
H 375, pages 213, 658, 1685, 1722, 1780, Act 656

## ANNUAL SESSIONS

Repeal of constitutional amendment providing, CA—  
S 45, page 25

## APPROPRIATIONS

Agriculture and industries, department of, for eradication of swine disease—  
H 269, pages 244, 859

Alabama A & M university—  
S 120, page 38  
S 387, pages 151, 218, 1311

Alabama guaranteed student loan program—  
S 405, pages 168, 292, 1392

## APPROPRIATIONS (Continued)

Alabama highway finance corporation—

S 453, pages 189, 561, 1172

H 333, pages 1109, 1219, 1681, 1737, Act 580

Alabama state university—

S 495, page 210

Alabama technical college—

S 675, pages 654, 862

Alexander city state junior college—

S 675, pages 654, 862

American legion auxiliary scholarships—

S 248, pages 64, 111, 163, 1981, 1992, 2143, Act 676

Attorney general—

S 313, page 97

S 352, page 143

H 729, page 1329

Auburn university—

S 413, page 169

Auburn university at Montgomery—

S 433, page 173

Aviation hall of fame—

S 762, page 1001

Bessemer state technical college—

S 675, pages 654, 862

Bureau of publicity and information—

S 184, pages 49, 115

Chauncey Sparks state technical college—

S 675, pages 654, 862

Commission on higher education, Alabama, to administer student grant program—

S 239, pages 62, 176

H 88, pages 509, 558

Commissioner of utilities—

S 84, page 32

S 479, pages 207, 262, 523, 527, 536, 538, 665

Committee for defense of law enforcement officers—

S 459, pages 190, 558

Conservation and natural resources, department of, for purchase of land on Dauphin island—

S 214, pages 57, 318, 1533, 1539

Constitutional commission fund—

S 151, pages 44, 220

Corrections, board of—

S 297, page 73

H 170, pages 174, 859, 914, 919, 975, 1671, 1676, 1967, 1987, Act 593

## APPROPRIATIONS (Continued)

Crime victims compensation board—  
S 32, pages 23, 360

Douglas MacArthur state technical college—  
S 675, pages 654, 862

Education, department of, division of vocational rehabilitation, for cystic  
fibrosis treatment program—  
S 333, pages 100, 218

Educational institutions, various, for salary increases—  
S 92, page 34

Educators, for payment of sick leave, upon retirement—  
S 445, pages 188, 261  
S 481, page 207

Election to repeal annual sessions amendment, CA—  
S 45, page 25

Employees' retirement system, cost-of-living pay increase for members  
of—  
S 137, page 41  
H 119, pages 309, 559, 1006, 1097, 1099, 1159, 1649, 1711, Act 599

Executive, legislative, and judicial departments—  
H 244, pages 691, 1043, 1399, 1710, 2023, 2110, Act 597

Finance, state department of—  
S 297, page 73  
H 170, pages 174, 859, 914, 919, 975, 1671, 1676, 1967, 1987, Act 593

Forestry commission, Alabama—  
S 204, pages 52, 111, 162, 676, 677, 788, Act 97  
S 297, page 73  
H 170, pages 174, 859, 914, 919, 975, 1671, 1676, 1967, 1987, Act 593

Forestry study committee—  
S 370, pages 147, 223, 231, 291, 583, 590, 1321, 1391, 1699, Act 515

Frazier, Thomas H., for relief of—  
S 661, pages 597, 862

Hazardous wastes management fund—  
S 47, page 25

Health department, state—  
S 297, page 73  
H 170, pages 174, 859, 914, 919, 975, 1671, 1676, 1967, 1987, Act 593

Henry county board of education, for school replacement—  
H 304, pages 213, 291, 1240, 1538, Act 517

Highway department, state—  
S 432, page 173  
S 598, pages 545, 657

Hunter, J. W., for the relief of—  
H 123, pages 1570, 1590, 2108, 2137, Act 764

## APPROPRIATIONS (Continued)

Indian affairs commission of Alabama—

S 323, page 99

Institute for deaf and blind, Alabama—

S 659, pages 597, 861, 1318, 1715, 1745, 2142, Act 587

S 660, pages 597, 862, 1318, 1715, 1745, 2142, Act 588

J. F. Drake state technical college—

S 38, page 24

S 675, pages 654, 862

Kindergarten program, for establishment of—

S 66, pages 29, 218

Legislature—

S 597, pages 545, 656

Livingston state university—

S 506, page 259

S 541, page 306

Lyman Ward military academy—

S 399, pages 101, 177, 586, 1709, 1745, 2142, Act 854—

H 486, pages 689, 1219, 1651, 2023, 2109, Act 747

Marion military institute—

S 401, page 167

H 249, pages 689, 1219, 1651, 2022, 2109, Act 756

Medical services administration—

S 297, page 73

H 170, pages 174, 859, 914, 919, 975, 1671, 1676, 1967, 1987, Act 593

Mountain lakes association, Alabama—

S 1, page 15

National guard scholarship fund committee—

S 132, pages 40, 560

North Alabama educational opportunity center, career fair committee—

S 545, page 307

Nursing homes, operation of—

S 14, page 20

Ombudsman for disabled citizens, office of—

S 512, page 260

Public education and debt service—

H 245, pages 944, 1218, 1650, 1830, 1897, 1993

Public employees insurance board—

S 82, pages 32, 224, 231

Public health, department of—

S 261, page 66

Public library service, to purchase 1975 code for each public library—

S 548, pages 307, 658

## APPROPRIATIONS (Continued)

Public safety, department of, for district office in Houston county—  
S 499, pages 258, 559

Public school systems, additional appropriation for libraries—  
H 137, pages 680, 952, 1650, 1680, 1816, 1829, 2105, 2131, 2139, Act 771

Public service commission—  
S 116, pages 38, 113, 248  
S 641, page 554

Randolph county board of education, for school replacement—  
S 490, pages 209, 262, 798, 1652, 1678, 1700, Act 542

Review board on dismissal of non-professional employees of public educational institutions—  
S 359, pages 145, 260, 590, 628, 641, 642, 643, 664, 691, 693, 702, 733

St. Clair county board of education—  
S 131, page 40

Skill olympics, 1978, Alabama—  
S 406, pages 168, 217, 556, 2010, 2018, 2144, Act 836

Small and minority business enterprise, department of—  
S 522, pages 282, 559, 799

Social work examiners, state board of—  
S 564, pages 358, 860  
H 480, pages 1575, 1586, 2109, 2138, Act 765

Southwest Alabama Indian affairs commission—  
S 496, pages 210, 293, 1373, 1897, 1992, 2143, Act 677

Special educational trust fund, to carry out transfer of department of youth services to department of education—  
S 58, page 27

Sports hall of fame—  
S 235, pages 61, 260, 1174, 1814, 1896, 2143, Act 668

State building commission—  
S 394, page 166

State departments, various, for salary increases—  
S 91, pages 34, 206

State tenure commission—  
S 438, pages 186, 261

Talladega college—  
S 400, page 167  
H 451, pages 689, 1219, 1651, 2022, 2109, Act 760

Teachers' retirement system, cost-of-living pay increase for retired members of—  
S 133, page 41  
H 119, pages 309, 559, 1006, 1097, 1099, 1159, 1649, 1711, Act 599

## APPROPRIATIONS (Continued)

- Teachers' retirement system for hospital-medical insurance—  
S 466, page 192  
H 506, page 1581
- Thirty-ninth judicial circuit—  
S 182, pages 49, 113, 246, 932, 992, 1106, Act 377
- Troy state university—  
S 486, page 208
- Tuition eligibility board—  
S 211, pages 56, 113, 248
- Tuskegee institute—  
S 402, page 167  
H 452, pages 689, 1219, 1651, 2022, 2109, Act 761
- Unified judicial systems—  
S 297, page 73  
H 170, pages 174, 859, 914, 919, 975, 1671, 1676, 1967, 1987, Act 593
- University of Alabama in Birmingham, capital outlay—  
S 247, page 63
- University of Alabama in Birmingham, laboratory of medical genetics—  
S 407, pages 168, 217, 798, 1979, 1992, 2143 Act 824
- University of Alabama in Huntsville—  
S 675, pages 654, 862
- University of Alabama in Tuscaloosa—  
S 408, pages 168, 292, 1386, 1564
- Various counties, through community action agencies—  
S 766, page 1001
- Various public educational institutions of state—  
S 783, pages 1006, 1044, 1292
- Various state departments for employee salary increase—  
S 601, pages 545, 657, 1316, 1978, 1993, 2143, Act 679  
H 171, pages 1327, 1586, 1805, 1817, Act 728
- Walker county junior college—  
S 403, page 167  
H 442, pages 689, 1219, 1651, 2021, 2109, Act 759

## ARCHITECTURE

- Practice further regulated—  
S 731, page 849

## ARMORIES

- National guard, in Albertville, named—  
H 994, pages 1155, 1221, 1343, 1539, Act 522
- National guard, in Opelika, named—  
S 144, pages 43, 225, 989, 1651, 1677, 1699, Act 535

**ASSOCIATIONS**

Term redefined as used in section 2-10-20, code of Alabama, 1975, agricultural cooperatives—  
S 647, pages 555, 917, 1364

**ATHLETIC CONTESTS**

Collegiate, distribution of gross receipt taxes on, further provided—  
S 705, page 768

**ATTORNEY GENERAL**

Appropriation to curb medicaid abuse—  
H 729, page 1329

Duties under consumer fraud act—  
S 36, pages 23, 563, 1551

Misuse of powers of office prohibited, CA—  
S 126, page 39

"White collar crimes", investigative unit, created, appropriation—  
S 313, page 97  
S 352, page 143

**ATTORNEYS**

Certain law apprentices may serve as, without bar examination—  
S 319, page 98

Dues to be paid to Alabama bar association by, further regulated—  
S 752, page 962

Education, continuing legal, provided when representing public boards and agencies—  
S 122, page 39

Fees paid by certain applicants for admission to bar, increased—  
S 751, page 962

License tax, certain, payment of, further regulated—  
S 750, page 961

Payment of fees to in workmen's compensation cases—  
S 372, page 147  
S 409, page 168

Public utilities required to furnish matching funds to public service commission to defray fees of—  
S 34, page 23

**AUBURN HERITAGE ASSOCIATION, INC.**

Taxes, sales and use, exempt from—  
S 296, pages 72, 560

**AUBURN UNIVERSITY**

Appropriation—  
S 413, page 169

**AUBURN UNIVERSITY AT MONTGOMERY****Appropriation—**

S 433, page 173

**AUSTIN BAND BOOSTERS, INC.****Taxes, sales and use, exempt from—**

S 175, page 48

**AUTOMOBILE DEALERS****Indemnification for certain liabilities by their franchisors required—**

S 423, pages 172, 184, 197

H 80, pages 291, 570

**Qualifications for licensing established, sales tax reporting and other records further regulated—**

S 424, pages 172, 184, 197, 806, 1652, 1677, 1700, Act 539

**AUTOMOBILE REPAIR DEALERS****Deceptive acts by, certain, prohibited—**

S 520, page 281

**AUTOMOTIVE DISMANTLERS AND PARTS RECYCLERS****Privilege licenses for, required—**

S 130, pages 40, 292

**AVIATION HALL OF FAME****Established—**

S 762, page 1001

**BAIL****Admission to further regulated—**

S 353, pages 143, 563

**Exceptions to right of, further provided, CA—**

S 355, pages 144, 565

**BAILIFFS****Thirteenth judicial circuit, compensation fixed—**

H 222, page 853

**BANKS AND BANKING****Branch banks in metropolitan statistical area of more than one county, authorized—**

S 717, page 797

**Branch banks, operation of further regulated—**

S 719, page 797

**Call reports by state banks to superintendent of banks further regulated, penalties for non-compliance established—**

S 419, page 170

**Conversion of national bank to state bank, fee increased—**

S 418, page 170



**BANKS AND BANKING (Continued)**

County funds, certain, deposit in time deposit accounts required—  
S 412, page 169

Credit unions further regulated—  
S 181, pages 48, 230, 667, 1668, 1674, 1700, Act 469

Deposit of state funds further regulated—  
S 50, page 26

Holding companies, financial institution excise tax imposed upon common parent corporation of—  
S 357, pages 144, 197  
H 342, pages 1108, 1213, 1669, 1735, Act 840

Municipal funds, certain, deposit in time deposit accounts required—  
S 291, page 72

State and national banks permitted to merge without approval of state authority—  
S 301, pages 73, 118

State banks and trust companies, transactions with regard to obtaining control of regulated—  
S 715, page 796

State banks, organization of further regulated—  
S 716, pages 797, 1045

Taxes, funds from collection of, to be deposited to credit of state treasurer by revenue department—  
S 198, pages 51, 113, 249, 826

**BANKS, SUPERINTENDENT OF**

Approval required before voting security of a state bank or trust company may be acquired—  
S 715, page 796

State banks, organization of, publication permit requirement waived—  
S 716, pages 797, 1045

**BAR ASSOCIATION, ALABAMA**

Annual dues of further regulated—  
S 752, page 962

Certain law apprentices may practice without examination by—  
S 319, page 98

**BARBERING**

Practice of further regulated—  
S 574, page 541

**BARTER SYSTEM**

State agencies prohibited from using—  
S 56, pages 27, 113, 245

**BEAR CREEK DEVELOPMENT AUTHORITY**

Use of facilities without permit unlawful, penalties provided—  
S 344, pages 141, 956, 1243, 1635, 1677, 1700, Act 537

**BESSEMER STATE TECHNICAL COLLEGE**

Appropriation—

S 675, pages 654, 862

**BIDDING**

Licensing procedures for motion pictures provided—

S 219, pages 58, 293

H 152, pages 951, 1113, 1640, 1712, Act 591

**BILL OF RIGHTS**

For law enforcement officers provided—

S 443, pages 187, 573

H 346, page 1291

**"BILL OF RIGHTS OF RETARDED PERSONS"**

Designated, legislative intent provided—

S 571, page 359

**BILLBOARDS**

On highways, further regulated—

S 68, pages 29, 116

S 98, pages 35, 260, 811, 1156, 1209, 1698, Act 383

S 414, pages 169, 1117

**BILLIARDS**

Minors between ages of 16 and 19 allowed to play—

S 763, page 1001

**BIRTH CERTIFICATES**

Issuance of authorized for adopted children born outside United States—

S 213, page 57

**"BLIND BIDDING"**

Prohibited in connection with motion pictures—

S 219, pages 58, 293

H 152, pages 951, 1113, 1640, 1712, Act 591

**BLIND PARENTS**

Educational benefits for dependents of, further provided—

S 159, pages 45, 217, 941

H 147, pages 298, 1044, 2133, 2139, Act 772

**BLOUNT COUNTY**

County engineer, not required to be land surveyor—

H 1058, page 1076

**BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS,  
STATE**

Membership altered—

S 476, page 206

**BOARDS**

Disaster loan fund board created—

S 501, pages 258, 293

**BOARDS (Continued)**

Governing bodies and commissions, secret sessions prohibited—  
S 96, page 35

Public, continuing legal education for attorneys who represent—  
S 122, page 39

**BOATS**

License for operators of required—  
S 535, pages 284, 599

Petroleum products used in not subject to inspection fee—  
S 228, pages 60, 155

Wearing of safety flotation device by passengers required—  
S 322, pages 99, 320

**BONDS**

Building finance authority authorized to issue, for construction of parking facilities—  
S 649, pages 556, 953

Building finance authority authorized to issue, for new and existing office facilities, purchase of land and construction of parking facilities—  
H 608, pages 830, 1579

Docks department, state, amount authorized to be issued by increased—  
S 237, pages 61, 154  
H 94, pages 211, 297, 793, 876, 937, Act 368

Federal aid highway finance authority, pledges of taxes and fees for service of further provided—  
S 457, pages 190, 562, 1185  
H 336, pages 1109, 1220, 1682, 1738, Act 583

Highway finance corporation, issuance of further provided—  
S 453, pages 189, 561, 1172  
H 333, pages 1109, 1219, 1681, 1737, Act 580

Hospital authorities, authorized to become public corporations, powers, financing—  
H 61, pages 277, 294, 617, 1103, 1124, Act 409

Industrial revenue, notification procedure for issuance of required—  
S 223, pages 59, 227, 1188, 1708, 1744, 2142, Act 586

Public school and college authority, issuance of for capital improvements authorized—  
S 205, pages 53, 114, 250, 269, 302, 342, 344, 350, 363, 540  
S 422, page 171  
S 488, page 208  
H 450, page 189

**BOUNDARIES**

Procedures for extending municipal, with overlapping police jurisdictions—  
S 478, pages 206, 571

**BRANCH BANKS**

Establishment and operation of further regulated—  
S 719, page 797

Metropolitan statistical areas, authorized in—  
S 717, page 797

**BRAZEAL, HON. THOMAS J.**

Building at southern union state junior college named for—  
S 71, pages 30, 226, 695, 1782, 1895, 2143, Act 666  
H 352, pages 337, 1584, 1593

**BUDGETS, STATE**

General fund—  
H 244, pages 691, 1043, 1399, 1710, 2023, 2110, Act 597

Special educational trust fund, for public education and debt service—  
H 245, pages 944, 1218, 1650, 1830, 1897, 1993

**BUILDING CODES**

County, adoption of by reference authorized—  
S 603, pages 546, 657, 1393

**BUILDING COMMISSION, STATE**

Appropriation—  
S 394, page 166

Energy conservation measures, required to adopt, promulgate and enforce a state building code to contain—  
S 31, pages 23, 570, 1373  
H 769, pages 1154, 1218, 2108, 2137, Act 766

Implementation of lighting efficiency standards for public buildings provided—  
S 312, pages 97, 660

**BUILDING FINANCE AUTHORITY, ALABAMA**

Parking facility in capitol complex, bond issue authorized—  
S 649, pages 556, 953

Revenue bonds, issuance and sale of, for purchase of land and for office and parking facilities—  
H 608, pages 830, 1579

**BUILDINGS**

New and renovated, thermal energy conservation provided for—  
S 154, page 44

**BULLETPROOF VESTS**

Law enforcement officers, wearing of by certain required—  
S 156, page 44

**BUREAU OF PUBLICITY AND INFORMATION, STATE**

All powers, duties, property, etc. transferred to Alabama travel commission—  
S 386, pages 150, 660, 860, 1386

**BUREAU OF PUBLICITY AND INFORMATION, STATE (Continued)**

Appropriation—

S 184, pages 49, 115

**BUSINESS ENTERPRISES**

Marine dealerships, certain practices of regulated—

H 241, pages 244, 599

Power of seizure of by state government restricted, CA—

S 138, page 41

Small and minority, department of, created, powers and duties defined—

S 522, pages 282, 559, 799

**BUTTAHATCHEE RIVER DEVELOPMENT AUTHORITY**

Established, duties and powers defined—

S 640, pages 553, 600, 759, 1083, 1168, 1698, Act 439

Formation of authorized, CA—

S 642, pages 554, 600, 759, 1094, 1169, 1698, Act 375

**C. J. REHLING LABORATORIES**

Naming office of state toxicologist—

S 537, page 285

**CABINET APPOINTMENTS**

Made by governor, senate confirmation required—

S 114, pages 38, 226

**CAR AND VAN POOLS**

Exempt from regulation by public service commission and municipalities—

S 152, page 44

**CASH MANAGEMENT COMMITTEE**

Established—

S 50, page 26

**CATTLE**

Theft of, declared theft of property in the second degree—

S 324, pages 99, 223

S 494, pages 210, 658, 914

**CATTLE THEFT INVESTIGATORS**

Redesignated as "livestock theft investigators" with powers of investigation and arrest—

S 410, pages 169, 224

**CAUSEY, DR. W. BYRON**

Building at Alexander city state junior college named for—

S 288, pages 71, 226, 829

**CEMETERIES**

Perpetual care, regulation and licensing of provided—

S 194, pages 51, 569, 976

**CERTIFICATES OF CONVENIENCE AND NECESSITY**

Utility companies applying for, required to give notice thereof to owners of affected property—

S 21, pages 21, 118, 514, 1697, 1703, 2142, Act 847

**CERTIFIED PROFESSIONAL SECRETARIES**

State employees passing examination for, eligible for pay increase—

S 280, page 70

S 375, page 148

**CHARITABLE ORGANIZATIONS**

Certain, exempt from ad valorem, sales and use taxes—

S 688, pages 705, 954

Solicitations by regulated—

S 542, page 306

**CHAUNCEY SPARKS STATE TECHNICAL COLLEGE**

Appropriation—

S 675, pages 654, 862

**CHECKS**

Invalid, given for licenses, procedure in cases involving—

S 508, page 259

**CHILD ABUSE**

Crime of defined, penalties provided—

S 442, page 187

**CHILD CARE**

Income tax deduction for, when both parents are employed—

S 293, page 72

**CHILD CARE ACT OF 1971**

Church-related facilities and programs exempt from provisions of—

S 392, pages 152, 1010, 1369

**CHILD SUPPORT**

Garnishment of salaries of public employees for, authorized—

S 124, pages 39, 295

Pensions and security, department of, authorized to operate programs to enforce—

H 1034, pages 1175, 1593

**CHILDREN**

Adopted, born outside United States, issuance of birth certificates provided—

S 213, page 57

Statements of, admissibility in certain juvenile or criminal cases—

S 173, pages 47, 563

**CHIROPRACTORS**

Certificates of qualification for, rules and regulations further provided, qualifications further defined—

S 606, page 547

H 772, pages 1580, 1586, 2126, 2137, Act 767

Licensing further regulated—

S 594, page 544

H 773, pages 1580, 1586, 2126, 2137, Act 768

Renewal of certificates of, disposition of funds and revocation of licenses—

S 596, page 545

H 774, pages 1580, 1586, 2127, 2137, Act 769

Rights and duties of, further defined—

S 595, page 545

**CHURCHES**

And non-profit organizations required to report certain income to department of revenue—

S 292, page 72

**CIRCUIT CLERKS**

Duty of subscribing to and filing newspapers, eliminated—

S 510, page 259

Judge's sentencing record, procedure for maintaining established—

S 145, page 43

**CIRCUIT COURTS**

Compensation of judges of—

S 694, page 706

Registers of, salary limited—

S 435, pages 186, 564

**CIRCUIT JUDGES**

Eighteenth judicial circuit, additional one provided—

S 554, pages 308, 657, 989, 1651, 1678, 1700, Act 543

H 575, pages 1112, 1579

Tenth judicial circuit, additional position of created—

S 644, pages 555, 861, 1247

**CIRCUIT REGISTERS**

Duty of subscribing to and filing newspapers eliminated—

S 510, page 259

**CITIES**

Formation of non-profit corporations by to provide for care and custody of youths under jurisdiction of juvenile courts—

S 468, pages 192, 564

H 711, pages 1110, 1212, 1689, 1738, Act 620

## CITIES (Continued)

Taxes, state, on gasoline, exempt from—  
S 315, page 98

Term redefined within the meaning of title 16, relating to education—  
S 103, page 36

## CITIZENS BAND RADIO

Use of obscene language on, unlawful—  
S 681, pages 704, 917

## CIVIL DEFENSE

Local programs, state grants authorized for—  
S 83, pages 32, 226, 827, 1715, 1744, 2142, Act 852

## CIVIL DEFENSE, STATE DEPARTMENT OF

Dams, periodic safety inspection by provided—  
S 118, pages 38, 570, 1374

## CIVIL SERVICE SYSTEMS

Municipal, law enforcement officers may be included—  
S 621, pages 549, 957

## CLERGYMEN

Confidential communications of, privileged—  
S 197, pages 51, 219  
H 140, pages 509, 657

## CLINICAL FACILITIES

Redefined to include retirement homes, apartments or similar facilities  
used in conjunction with nursing homes—  
S 360, pages 145, 567, 1273

## COAL

Mixing of, with foreign substances or with lower grades, constitutes  
criminal fraud, penalties provided—  
S 345, pages 141, 295, 1187, 1716, 1745, 2142, Act 855

Severance tax on—  
S 18, page 20

## CODE OF ALABAMA, 1940, AMENDED

Title 22, secs. 347(a) and 350(a), solid waste—  
S 210, pages 56, 222

Title 33, section 37, mechanics and materialmen's lien law—  
S 724, page 847

Title 51, sections 347 and 350, domestic franchise tax—  
S 17, page 20

Title 51, section 348 A, foreign corporation franchise tax—  
S 16, page 20



## CODE OF ALABAMA, 1940, AMENDED (Continued)

Title 51, section 431 (2), oil and gas severance tax—  
S 15, page 20

## CODE OF ALABAMA, 1940, REPEALED

Title 2, secs. 56-68, commercial feeds—  
S 221, pages 58, 222, 231, 560, 1531, 2094, 2134, 2144, Act 780

Title 17, sections 12 through 54, voter registration—  
S 378, pages 148, 179

## CODE OF ALABAMA, 1975

Adopting and incorporating into, all general and permanent laws adopted during the 1976 and 1977 sessions of the legislature—  
S 674, pages 654, 863, 1549, 1807, 1896, 2143, Act 674

Free copies of, certain additional officials authorized to receive—  
S 125, page 39  
S 209, page 56

Public library service authorized to purchase one set for each public library—  
S 548, pages 307, 658

## CODE OF ALABAMA, 1975, AMENDED

Section 2-2-14, cattle theft investigators—  
S 410, pages 169, 224

Sections 2-3-1 and 2-3-3, state board of agriculture and industries—  
S 349, pages 142, 222, 231

Section 2-10-20, agricultural cooperatives and associations—  
S 647, pages 555, 917, 1364

Section 2-19-61, annual permit fee for operating cotton gin—  
S 348, pages 142, 222, 231

Section 3-1-13, taking of mistreated animals by certain officers and employees of humane societies—  
S 619, page 549

Section 4-2-45, disbursement of funds of state department of aeronautics—  
H 363, pages 1113, 1358, 2132, 2139, Act 774

Section 5-1-9, call reports transmitted by state banks to superintendent of banks—  
S 419, page 170

Section 5-2-10, 5-2-120, 5-2-123, and 5-2-125, credit unions—  
S 181, pages 48, 230, 667, 1668, 1674, 1700, Act 469

Section 5-5-1, state banks—  
S 716, pages 797, 1045

Section 5-9-20, conversion of national banks to state banks—  
S 418, page 170

Section 5-9-40 through 5-9-43, banks and banking—  
S 301, pages 73, 118

## CODE OF ALABAMA, 1975, AMENDED (Continued)

- Sections 5-17-1, 5-17-2, 5-17-8, 5-17-17, 5-17-19, and 5-17-20, credit unions—  
S 181, pages 48, 230, 667, 1668, 1674, 1700, Act 469
- Section 5-18-10, the Alabama small loan act—  
S 421, page 171
- Sections 5-19-1, 5-19-24, and 5-19-28, consumer finance—  
S 420, page 171
- Section 6-5-127, circumstances under which manufacturing and industrial plants are not deemed to be nuisances—  
H 795, pages 1329, 1586
- Section 6-5-332, "good Samaritan law"—  
S 643, pages 555, 657
- Section 6-5-333, dentists constituting utilization, quality control and review committees—  
S 543, pages 306, 567
- Section 6-5-410, actions for wrongful death—  
S 404, page 167
- Section 6-6-482, garnishment of salaries of public employees—  
S 124, pages 39, 295
- Section 6-8-40, duties of circuit clerks, registers and probate judges—  
S 510, page 259
- Section 7-2-607, uniform commercial code, relative to notice to seller of non-conformity of goods—  
S 374, page 148
- Section 7-9-401, places of filing security interest—  
S 678, page 655
- Section 8-6-18, fraud provisions of the securities act—  
S 504, page 258
- Section 8-16-5, weights and measures—  
S 369, pages 147, 223
- Section 8-16-51, annual permit fee of weighmasters—  
S 347, pages 142, 222, 231
- Section 9-3-5, state forester—  
S 679, page 655
- Section 9-11-147, regulation of commercial fishing gear—  
S 795, page 1054
- Sections 9-17-101, 9-17-102, 9-17-104, 9-17-105, 9-17-106, 9-17-107, 9-17-109, and 9-17-110, liquefied petroleum gas—  
S 725, pages 847, 1118, 1365
- Section 10-3-4, Alabama non-profit corporation act—  
S 620, page 549
- Section 11-6-2, qualifications of county engineers—  
S 664, page 598

## CODE OF ALABAMA, 1975, AMENDED (Continued)

- H 16, pages 174, 262, 332, 346, Act 18
- H 770, pages 854, 960, 1068, 1126, Act 382
- H 1058, page 1076
- Section 11-42-21, annexation of territory by municipalities having overlapping police jurisdictions—  
S 478, pages 206, 571
- Section 11-50-313, municipal utility corporations—  
S 573, page 540  
S 650, page 556  
S 732, pages 850, 956, 969
- Section 11-54-87, municipal industrial development boards—  
S 536, pages 285, 319
- Section 12-1-15, benefits and salaries for justices and judges—  
S 143, page 42
- Section 12-10-5, judicial compensation commission, report to legislature—  
S 77, pages 31, 564
- Section 12-11-2, judicial circuits—  
S 182, pages 49, 113, 246, 932, 992, 1106, Act 377
- Section 12-12-31, small claims actions—  
S 388, page 151
- Section 12-16-2, persons exempt from jury duty—  
H 308, pages 215, 362, 1661, 1719, 1780, 1989, 2013, Act 594
- Section 12-17-61(4), district judges, Jefferson county—  
S 645, pages 555, 861, 1313, 1325
- Section 12-17-112, compensation of registers of circuit courts—  
S 435, pages 186, 564
- Section 12-17-215, supernumerary district attorneys—  
S 78, page 31
- Sections 12-18-6, 12-18-10, 12-18-55, and 12-18-87, retirement eligibility and benefits for justices and judges—  
S 143, page 42
- Section 12-18-8, judicial retirement system, transfer from employees' retirement system—  
S 530, pages 284, 562
- Section 12-18-10, judicial retirement benefits—  
S 74, pages 31, 564  
S 483, page 207  
S 484, page 207
- Section 12-19-3, financial responsibility for unified judicial system—  
S 35, pages 23, 111, 235, 1973, 1991, 2143, Act 821
- Section 12-19-210, juror's expense allowances—  
H 217, pages 211, 294, 1688, 1738, Act 618

## CODE OF ALABAMA, 1975, AMENDED (Continued)

Sections 14-1-4 and 14-1-6, board of corrections—  
S 741, pages 913, 954, 1169, 1689, 1693, 1695, 1967, 1984, 2008,  
2018, 2144, Act 595

Section 14-8-8, state work-release programs, escape from—  
S 86, pages 33, 178

Section 15-13-3, admission to bail, capital offense—  
S 353, pages 143, 563

Section 16-8-8, authority of county boards of education—  
S 440, pages 187, 567

Section 16-11-1, city boards of education—  
S 103, page 36

Section 16-11-9, authority of city school boards—  
S 439, pages 187, 567

Sections 16-17-7, 16-17-16, and 16-17-19, educational building authority  
act—  
S 668, pages 653, 1045  
H 841, pages 803, 1044, 1689, 1739, Act 841

Sections 16-24-1 through 16-24-3, 16-24-5, 16-24-9, 16-24-12, 16-24-30  
through 16-24-32, 16-24-38, and 16-24-39, state tenure commission,  
contracts, transfers, appeals—  
S 438, pages 186, 261

Sections 16-24-30 through 16-24-32, state tenure commission—  
S 383, page 150

Sections 16-25-1 and 16-25-21, teachers' retirement system—  
S 330, pages 100, 566

Section 16-25-14, teachers' retirement system benefits—  
S 255, page 65

Section 16-25-19, board of control of teachers' retirement system—  
S 384, page 150

Section 16-25-21, financing the teachers' retirement system—  
S 366, page 146

Section 16-33-4, educational benefits for dependents of blind parents—  
S 159, pages 45, 217, 941  
H 147, pages 298, 1044, 2133, 2139, Act 772

Section 16-46-1 through 16-46-10, regulation of certain schools and  
courses of instruction sold to residents of state—  
S 395, page 166

Section 16-53-3, Livingston state university board of trustees—  
S 507, pages 259, 567  
H 522, pages 993, 1221, 1342, 1538, Act 519

Sections 17-3-1 through 17-3-8, qualifications of voters—  
H 426, pages 1110, 1217, 1360, 1649, 1741, Act 584

Sections 17-4-1 through 17-4-24, voter registration—  
H 426, pages 1110, 1217, 1360, 1649, 1741, Act 584

## CODE OF ALABAMA, 1975, AMENDED (Continued)

Section 17-4-5, places of registration to vote—  
S 585, page 543

Section 17-4-14, preparation and publication of poll lists—  
S 568, pages 359, 709, 822, 823  
H 854, pages 802, 860, 1100, 1159, 1177, 1182, Act 380

Sections 17-4-40 through 17-4-47, boards of registrars—  
H 426, pages 1110, 1217, 1360, 1649, 1741, Act 584

Sections 17-4-60 through 17-4-67, purging of voter lists—  
H 426, pages 1110, 1217, 1360, 1649, 1741, Act 584

Sections 17-10-2, 17-10-4, 17-10-5, 17-10-9, 17-10-10, 17-10-12 through  
17-10-14, absentee voting—  
H 173, pages 836, 1010, 1675, 1735, Act 616

Section 17-16-6, primary elections, time and place—  
S 107, pages 36, 179, 1318, 1965, 1992, 2143, Act 691

Sections 20-2-70 through 20-2-72, 20-2-74, 20-2-76, 20-2-78, and 20-2-93,  
controlled substances, offenses and penalties—  
S 604, page 546

Section 20-2-74, controlled substances, authority to prescribe—  
S 516, pages 280, 568

Section 20-2-90, controlled substances, enforcement—  
S 609, pages 547, 657

Section 21-7-3, rights of the handicapped in public places—  
S 639, page 553

Section 22-21-70, county hospital boards—  
S 451, pages 189, 222, 558, 573, 1666, 1679, 1700, Act 468

Sections 22-21-130, 22-21-131, 22-21-133, 22-21-135, 22-21-141, 22-21-  
142, 22-21-144, 22-21-145, 22-21-149, and 22-21-152, municipal  
hospital building authorities—  
H 61, pages 277, 294, 617, 1103, 1124, Act 409

Sections 22-21-240 and 22-21-242, dental practitioners, malpractice—  
S 672, pages 673, 1114, 1550

Section 23-1-6, regulation of highway advertising—  
S 68, pages 29, 116  
S 414, pages 169, 1117

Section 23-1-177, Alabama highway finance corporation, bonds—  
S 453, pages 189, 561, 1172  
H 333, pages 1109, 1219, 1681, 1737, Act 580

Sections 23-1-271, 23-1-273, 23-1-275, 23-1-278, 23-1-279, 23-1-80, and  
23-1-288, outdoor advertising—  
S 98, pages 35, 260, 811, 1156, 1209, 1698, Act 383

Section 25-5-11, workmen's compensation laws—  
S 245, page 63  
S 665, page 598

## CODE OF ALABAMA, 1975, AMENDED (Continued)

Section 25-5-77, workmen's compensation laws, medical expenses—  
S 163, pages 45, 658, 1383

Section 25-5-90, workmen's compensation laws, attorney's fees—  
S 372, page 147  
S 409, page 168

Sections 25-10-3, 25-10-4, and 25-10-10, small business assistance act—  
S 522, pages 282, 559, 799

Section 27-1-4, dental practitioners, malpractice—  
S 672, pages 653, 1114, 1550

Section 27-8-23, Alabama insurance code, sale by vending machines and  
credit facilities—  
S 332, pages 100, 320

Section 27-12-25, trade practices law, farm credit systems—  
S 708, page 795

Section 27-27-40, debentures of insurance companies—  
S 464, pages 191, 320

Section 27-36-2, Alabama insurance code, title insurance—  
S 505, pages 259, 569

Section 28-3-16, alcoholic beverages, billboard advertising of—  
S 257, pages 65, 113, 247, 1119, 1122, 1698, Act 434

Section 28-3-74, distribution of net profits from proceeds of taxes on the  
sale of liquor—  
S 633, page 552

Sections 30-1-4 and 30-1-8, age of marriage—  
S 588, page 543

Section 31-2-13, military leave of absence benefits—  
S 318, pages 98, 225, 1167

Section 31-2-72, military code, general officers—  
S 259, page 65

Sections 31-6-4 through 31-6-6, educational benefits for families of de-  
ceased or totally disabled veterans—  
S 503, pages 258, 860

Sections 31-9-2 through 31-9-24, Alabama civil defense act of 1955—  
S 83, pages 32, 226, 827, 1715, 1744, 2142, Act 852

Sections 32-1-1, 32-5-64, and 32-12-20, motorized bicycle defined—  
S 65, pages 29, 360, 1557

Section 32-5-31, traffic control devices—  
S 190, pages 50, 117

Section 32-5-64, persons under 16 operating motor vehicles, driver edu-  
cation—  
S 54, pages 27, 177, 827

Section 32-5-76, spilling of certain cargo from trucks—  
S 87, pages 33, 563

## CODE OF ALABAMA, 1975, AMENDED (Continued)

- Section 32-6-1, expiration and renewal of driver's licenses—  
S 171, pages 47, 226, 1557
- Section 32-6-2, persons exempt from securing driver's licenses—  
H 118, pages 952, 1211
- Section 32-6-3, examinations for driver's licenses—  
S 498, page 258  
H 327, pages 853, 1584, 1590, 2127, 2138, Act 773
- Section 32-6-4, application for driver's licenses—  
S 41, page 24
- Section 32-6-6, contents of state driver's licenses—  
S 636, page 553
- Section 32-6-19, suspension and revocation of driving privileges—  
S 397, pages 167, 220
- Section 32-6-130, issuance of special license plates to disabled veterans—  
H 435, pages 1112, 1592, 2136, 2140, Act 775
- Section 32-7-23, uninsured motorist provisions—  
S 626, page 551
- Sections 32-9-1, 32-9-20, 32-9-24, 32-9-27, 32-9-29, 32-9-30, and 32-9-32, height, weight and width of vehicles on public roads—  
S 169, pages 46, 112, 240, 1676, 1692, 2088, 2128, 2144, Act 837
- Section 32-9-20, size of motor vehicles allowed on highways—  
S 240, pages 62, 321
- Section 33-5-22, safety equipment required on water vessels—  
S 322, pages 99, 320
- Section 34-1-8, registration of public accountants—  
S 570, pages 359, 917
- Sections 34-2-1 through 34-2-24, regulation of the practice of architecture—  
S 731, page 849
- Section 34-3-3, fees paid by certain applicants for admission to bar—  
S 751, page 962
- Section 34-3-17 and 34-3-18, authorizing certain attorneys to become members of the bar association—  
S 752, page 962
- Sections 34-5-1, 34-5-2, 34-5-4, 34-5-5, 34-5-7, 34-5-10, 34-5-13 through 34-5-15, Alabama board of barber examiners—  
S 574, page 541  
H 1125, page 1572
- Sections 34-6-9 and 34-6-10, minors forbidden to play billiards or remain in billiard room—  
S 763, page 1001
- Section 34-9-27, employment, supervision and practice of dental

## CODE OF ALABAMA, 1975, AMENDED (Continued)

- hygienists and dental hygienist trainees—  
S 671, page 653
- Section 34-11-8, certificates of registration for professional engineers and land surveyors—  
S 515, page 280
- Section 34-11-14, practice of engineering or land surveying, exemptions—  
S 637, page 553
- Section 34-14-31, Alabama board of hearing aid dealers, duties—  
S 552, page 308
- Section 34-23-8, substitution of drugs or brands of drugs by pharmacists—  
S 299, page 73
- Section 34-24-75, licensing of physicians—  
S 314, pages 97, 222, 941, 1652, 1677, 1700, Act 536  
H 294, pages 1106, 1213
- Section 34-24-122, rights and duties of chiropractors—  
S 595, page 545
- Section 34-24-160, state board of chiropractic examiners—  
S 606, page 547  
H 772, pages 1580, 1586, 2126, 2137, Act 767
- Section 34-24-165, chiropractors, renewal of certificates—  
S 596, page 545  
H 774, pages 1580, 1586, 2127, 2137, Act 769
- Section 34-24-169, state board of chiropractic examiners, appeals—  
S 594, page 544  
H 773, pages 1580, 1586, 2126, 2137, Act 768
- Sections 34-26-22 and 34-26-43, registration and application fees for licensed psychologists—  
S 185, pages 49, 221
- Sections 34-27-4, 34-27-31, and 34-27-35, real estate brokers—  
S 553, pages 308, 656, 1197  
S 569, pages 359, 569
- Section 35-11-233, mechanic's liens and assignment—  
S 309, pages 75, 177
- Section 35-14-1, cutting or destruction of trees on highway rights-of-way—  
S 415, page 169
- Section 36-12-40, public records—  
S 477, page 206
- Section 36-21-1, funds for defense of law enforcement officers—  
S 459, page 357
- Section 36-21-68 and 36-21-70, peace officers' annuity and benefit fund—  
S 458, pages 190, 224, 798, 1814, 1896, 2143, Act 673



## CODE OF ALABAMA, 1975, AMENDED (Continued)

- Section 36-22-16, compensation of sheriffs—  
S 367, pages 147, 218, 788, 790, 1656, 1679, 1700, Act 538
- Section 36-22-17, disposition of fees and other monies heretofore collectible for use of sheriff—  
H 443, pages 1111, 1345, 1683, 1739, Act 619
- Section 36-25-4, state ethics commission, powers and duties—  
S 99, page 35  
S 267, page 67  
S 320, pages 98, 224
- Section 36-25-10, state ethics act—  
S 610, page 547
- Section 36-27-4, employees' retirement system, membership—  
S 612, page 547  
S 722, page 847
- Section 36-27-16, employees' retirement system, retirement allowances—  
S 630, pages 552, 861  
S 784, page 1006
- Section 36-27-23, employees' retirement system, board of control—  
S 195, page 51
- Section 37-1-11, compensation of president and members of public service commission—  
S 411, pages 169, 265  
S 528, pages 283, 319
- Section 37-1-80, reasonable value of property to be used as rate base—  
S 22, pages 21, 119, 516, 1715, 1743, 2142, Act 850
- Section 37-1-124, appeals from orders of public service commission—  
H 509, pages 1324, 1366
- Sections 37-3-4 and 37-3-33, regulation of certain vehicles by public service commission—  
S 152, page 44
- Section 37-8-113, duties of the superintendent of a railroad—  
S 385, page 150
- Section 38-7-2, the child care act of 1971, definitions—  
S 392, pages 152, 1010, 1369
- Section 39-2-12, payments to contractors on public works contracts—  
S 371, pages 147, 180, 940, 1894, 1992, 2143, Act 834
- Sections 39-4-1 and 39-4-18, payment of minimum wages under public works projects—  
S 584, page 543
- Section 40-6-1, qualifications of certain public officials electing to become supernumeraries—  
S 669, page 653  
S 785, page 1006

## CODE OF ALABAMA, 1975, AMENDED (Continued)

Section 40-6-3, supernumerary county officials, certain, compensation  
(all counties except Jefferson)—

S 119, pages 38, 114, 249

Section 40-7-15, assessment of property taxes—

H 402, pages 537, 656, 783, 805, 1165

Section 40-7-64, maintenance of property value and ownership maps  
after statewide reappraisal—

S 365, pages 146, 319

Section 40-7-68, statewide reappraisal program—

S 557, page 309

Section 40-8-1, ad valorem assessment rate—

S 39, page 24

H 401, pages 537, 655, 778, 805, 1164

Section 40-9-1, exemptions from ad valorem taxation—

S 104, pages 36, 560

S 335, pages 100, 561, 1311, 1807, 1896, 2143, Act 672

S 485, page 208

S 706, pages 769, 1045

Section 40-9-19, homestead exemption—

H 403, pages 537, 656, 786, 805, 1166

Section 40-12-10, license inspectors—

S 508, page 259

Section 40-12-49, annual license tax of attorneys—

S 750, page 961

Section 40-12-244, exemption from license taxes and registration fees—

S 786, page 1006

Section 40-12-252, registration and licensing of rental utility trailers—

S 123, pages 39, 111, 162

Section 40-12-260 and 40-12-266, transfer of motor vehicle ownership—

S 425, pages 172, 184, 198, 810, 1666, 1679, 1700, Act 540

S 565, page 358

Section 40-12-270, motor vehicle license taxes and registration fees,  
disbursement—

S 456, pages 190, 562, 1185

H 332, pages 1108, 1219, 1681, 1737, Act 579

Section 40-12-271, issuance fees for motor vehicle licenses—

S 555, page 309

H 87, pages 342, 656, 1639, 1712, Act 598

Sections 40-16-1, 40-16-3, 40-16-4, and 40-16-5, financial institution  
excise tax—

S 357, pages 144, 197

H 342, pages 1108, 1213, 1669, 1735, Act 840

Section 40-17-13, excise tax on motor fuel, distribution of proceeds—

S 455, pages 190, 561, 1173

H 334, pages 1109, 1219, 1681, 1738, Act 581

## CODE OF ALABAMA, 1975, AMENDED (Continued)

- Section 40-17-31, excise tax on gasoline—  
S 315, page 98
- Sections 40-17-70, 40-17-72, and 40-17-73, distribution of proceeds of highway gasoline tax—  
S 454, pages 189, 561, 1173  
H 335, pages 1109, 1219, 1682, 1738, Act 582
- Section 40-18-15, income tax deductions—  
S 212, pages 56, 318  
S 289, page 71
- Section 40-18-19, exemptions from income tax—  
S 745, page 913
- Section 40-18-20, income tax exemption for military retirement benefits—  
S 105, page 36  
S 179, pages 48, 111, 163, 184, 203, 234, 248, 695
- Section 40-18-25, taxation of income of employee benefit trusts—  
S 212, pages 56, 318
- Section 40-20-2, severance tax on oil and gas—  
H 3, pages 1151, 1218, 2134
- Section 40-23-4, exemptions from sales tax—  
S 183, pages 49, 115, 1549  
S 532, page 284
- Section 40-23-35, distribution of proceeds from sales tax—  
S 356, pages 144, 217, 667, 837, 911, 1106, Act 359
- Section 41-4-143, printing of legislative acts—  
S 29, pages 22, 226
- Section 41-7-4, bureau of publicity and information, appropriations—  
S 452, pages 189, 264, 320
- Sections 41-8-1 through 41-8-7, public library service—  
S 13, pages 20, 226  
S 48, pages 26, 321, 1530
- Section 41-9-248, Alabama historical commission, employees—  
S 742, page 913
- Sections 41-9-349 and 41-9-357, powers and duties of the U.S.S. Alabama battleship commission—  
S 199, pages 52, 321, 574
- Section 41-9-452, sports hall of fame—  
S 234, pages 61, 225, 1173, 1814, 1896, 2143, Act 667
- Section 41-16-50, competitive bid contracts—  
S 142, pages 42, 227
- Section 41-21-1, distribution of code—  
S 125, page 39  
S 209, page 56

## CODE OF ALABAMA, 1975, AMENDED (Continued)

Section 43-3-1, descent and distribution of real estate of an intestate—  
S 290, page 72

Section 44-1-29, department of youth services, competitive bidding—  
S 701, pages 708, 954

## CODE OF ALABAMA 1975, REPEALED

Section 5-1-19, branch banks—  
S 719, page 797

Sections 10-2-1 through 10-2-7, 10-2-20, 10-2-22 through 10-2-35,  
10-2-50 through 10-2-58, 10-2-70, 10-2-71, 10-2-90 through 10-2-98,  
10-2-110, 10-2-112, 10-2-114, 10-2-130 through 10-2-135, 10-2-150,  
10-2-160, 10-2-161, 10-2-162, 10-2-164 through 10-2-169, 10-2-180  
through 10-2-189, 10-2-200 through 10-2-212, 10-2-250 through  
10-2-253, 10-2-256, pertaining to corporations  
S 89, pages 33, 178

Sections 11-3-21 through 11-3-23, publication of financial condition of  
counties—  
S 362, pages 145, 228

Sections 12-11-34 through 12-11-39, pertaining to corporations—  
S 89, pages 33, 178

Section 12-15-67, statements by children in juvenile proceedings—  
S 173, pages 47, 563

Sections 12-18-58, 12-18-59, 12-18-61, 12-18-84, judicial retirement—  
S 143, page 42

Section 13-5-1, secret sessions of certain boards—  
S 96, page 35

Sections 17-22-1 through 17-22-15, corrupt practices act—  
S 625, pages 550, 709

Sections 22-5-1 through 22-5-9, commission on physical fitness—  
S 136, pages 41, 120, 1370

Section 29-1-7, legislative immunity from arrest—  
S 176, page 48

Sections 31-2-17, 31-2-18, 31-2-19, 31-2-20, 31-2-27, 31-2-50, 31-2-83,  
31-2-92 through 31-2-107, and 31-2-127, military code—  
S 259, page 65

Section 32-1-1, highway and traffic safety—  
S 101, pages 35, 178

Section 32-2-4, highway and traffic safety—  
S 101, pages 35, 178

Sections 32-5-6, 32-5-7, 32-5-10, 32-5-15, 32-5-30, 32-5-32 through 32-5-  
37, 32-5-50, 32-5-52, 32-5-53, 32-5-55 through 32-5-63, 32-5-66  
through 32-5-71, 32-5-73, 32-5-90 through 32-5-92, 32-5-94 through  
32-5-96, 32-5-110 through 32-5-115, 32-5-130 through 32-5-135,  
32-5-150, 32-5-151, 32-5-153, 32-5-154, 32-5-170, 32-5-193, 32-5-270

## CODE OF ALABAMA, 1975, REPEALED (Continued)

through 32-5-276, 32-5-290 through 32-5-296, 32-5-311, 32-5-312, 32-5-314, 32-5-315, highway and traffic safety—  
S 101, pages 35, 178

Section 32-6-16, highway and traffic safety—  
S 101, pages 35, 178

Section 32-12-1, 32-12-21, 32-12-23, 32-12-25, 32-12-27, 32-12-40 through 32-12-44, highway and traffic safety—  
S 101, pages 35, 178

Section 32-13-2 (a), highway and traffic safety—  
S 101, pages 35, 178

Section 37-2-19, refund of utility rates—  
S 23, pages 21, 119, 518  
H 511, pages 1324, 1366

Section 37-4-17, valuation of utility property—  
S 22, pages 21, 119, 516, 1715, 1743, 2142, Act 850

Sections 39-4-1 and 39-4-18, prevailing minimum wages—  
S 666, pages 598, 917

Sections 41-14-30 through 41-14-38, deposit of state funds—  
S 50, page 26

## CODE OF MILITARY JUSTICE, ALABAMA

Created—  
S 259, page 65

## COLLECTIVE BARGAINING

Public employees, authorized for—  
S 129, page 40

## COLLEGES

Proliferation of branch campuses prohibited without consent of legislature—  
S 79, pages 31, 566

## COMMISSION ON HIGHER EDUCATION, ALABAMA

Appropriation to for student assistance program—  
S 239, pages 62, 176  
H 88, pages 509, 558

Guaranteed student loan program, designated to administer—  
S 405, pages 168, 292, 1392

## COMMISSIONER OF UTILITIES

Office of created, powers and duties defined, appropriation—  
S 84, page 32  
S 479, pages 207, 262, 523, 527, 536, 538, 665

## COMMISSIONS

Executive or secret sessions forbidden—  
S 9, pages 19, 227

## COMMITTEE FOR DEFENSE OF LAW ENFORCEMENT OFFICERS

## Appropriation—

S 459, pages 190, 558

## COMMUNITY ACTION AGENCIES

## Appropriations from county governments to, authorized—

S 765, page 1001

## COMPACT, INTERSTATE

## Between Alabama and Georgia to promote tourism throughout Chat-tahoochee valley, authorized—

S 586, pages 543, 860, 1271, 1652, 1678, 1700, Act 545

H 869, pages 1112, 1220

## COMPETITIVE BIDDING

## Awarding of contracts under to resident bidders further provided—

S 142, pages 42, 227

## Docks department, state, excluded from requirements if amount under \$2,000—

S 216, pages 57, 154

## Public utilities required to use, for certain contracts—

S 25, pages 22, 119, 522

S 146, page 43

## COMPTROLLER, STATE

## Cost-of-living salary increases to judges, certain, stopped from paying—

S 566, page 359

## COMPUTERS

## Certain businesses dealing with, regulated—

S 117, page 281

## CONFIDENTIAL COMMUNICATION

## Between clergyman and member of congregation, privileged—

S 197, pages 51, 219

H 140, pages 509, 657

## CONFLICT OF INTEREST

## Business transactions, certain, between public utilities and their offi-cers, directors, and employees declared as—

S 147, page 43

## CONGRESSIONAL MEDAL OF HONOR

## Recipients of, free distinctive license plates provided—

S 747, pages 914, 954

## CONGRESSIONAL REDISTRICTING

## Procedure for provided, CA—

S 274, page 68

## CONSERVATION AND NATURAL RESOURCES, DEPARTMENT OF

## Appropriation for purchase of land on Dauphin island—

S 214, pages 57, 318, 1533, 1539

**CONSERVATION AND NATURAL RESOURCES, DEPARTMENT OF  
(Continued)**

Expenditure of appropriation to marine resources fund, capital outlay—  
S 202, pages 52, 111, 235, 1807, 1895, 2143, Act 669

Land surveys, division of, recording fees for instruments conveying real estate—  
S 652, pages 596, 953, 1392

**CONSTITUTION OF ALABAMA**

Mode of amending provided, CA—  
S 260, pages 66, 709  
S 271, pages 68, 220

**CONSTITUTION OF ALABAMA, 1901**

Amendments, local, means of adopting provided, CA—  
S 4, pages 18, 179, 1360  
S 88, page 33

**CONSTITUTIONAL AMENDMENTS**

Annual sessions, repeal of—  
S 45, page 25

Article III rewritten, powers of government—  
S 300, page 73

Assessment of taxable property and levy of tax further provided—  
H 400, pages 536, 655, 723, 771, 805, 986, 1009, 1043, 1165, 1829

Attorney general prohibited from misuse of powers of his office—  
S 126, page 39

Buttahatchee river watershed area, public corporation established for development of—  
S 642, pages 554, 600, 759, 1094, 1169, 1698, Act 375

Constitution, mode of amending—  
S 260, pages 66, 709  
S 271, pages 68, 220

Declaration of rights rewritten—  
S 270, page 67

District attorneys, seeking of other elective office by, prohibited—  
S 128, page 40

Dual office holding by public officers prohibited—  
S 272, page 68

Elections on, times for holding prescribed—  
S 5, page 18  
S 192, pages 50, 296

Executive department, elected non-policymakers of removed from constitutional status—  
S 526, pages 283, 709

Governor and lieutenant governor not eligible as own successor—  
S 709, page 795

## CONSTITUTIONAL AMENDMENTS (Continued)

- Governors, former, retirement pension provided for certain—  
S 52, pages 26, 115
- Home rule—
  - S 44, pages 24, 178
  - S 80, page 32
  - S 90, pages 34, 221
- Impeachment, procedure for—  
S 258, page 65
- Judicial article, legislature required to affirm implementation of recommendations of judicial compensation commission—  
S 76, pages 31, 564
- Judicial compensation, increase of during officer's term of office prohibited—  
S 139, page 42
- Legislative department of state government, article III re-written—  
S 269, pages 67, 296
- Legislature authorized to establish procedure for recall of public officials—  
S 168, page 46
- Legislature, authority in enactment of general and local laws, further defined—  
S 627, pages 551, 709
- Legislature, length of sessions and subjects to be considered—  
S 493, pages 210, 295
- Legislature, privileges and immunities of members of—  
S 178, page 48
- Legislature prohibited from legalizing gambling—  
S 577, page 541
- Legislature, restricting subjects to be considered in even-year sessions—  
S 480, pages 207, 296
- Local, elections on to be held in affected county only—
  - S 4, pages 18, 179, 13
  - S 88, page 33
- Local government and home rule—  
S 44, pages 24, 178
- Property, right to own, state's regulatory authority limited—  
S 138, page 41
- Public education, article XIV re-written—  
S 278, page 69
- Representation in Legislature and United States congress—  
S 274, page 68
- Retirement plans, increased benefits under prohibited unless increased funding provided—  
S 546, pages 307, 656, 939, 963



## CONSTITUTIONAL AMENDMENTS (Continued)

Retirement system, single, for all public officers and employees—  
S 760, pages 1000, 1044, 1257, 1274, 1309, 1827, 2106, 2127, 2129,  
2132

Right of persons to bail before conviction—  
S 355, pages 144, 565

Suffrage and elections, article VIII re-written—  
S 273, page 68

## CONSTITUTIONAL COMMISSION FUND

Appropriation—  
S 151, page 64

## CONSTITUTIONAL CONVENTION

Holding of provided—  
S 151, page 64

## CONSUMER CREDIT ACT, ALABAMA

Citation provided, fees for examinations and investigations under re-  
vised—  
S 420, page 171

## CONSUMER FRAUD

Declared to be unlawful practice, prosecution, penalties—  
S 36, pages 23, 563, 1551

## CONSUMER PRICE INDEX

Law enforcement officers, salaries tied to—  
S 308, page 75

## CONTRACTORS

Heating and air conditioning, roofing and sheet metal, board created to  
regulate—  
S 487, pages 209, 321, 577, 673, 678, 680, 685, 701, 1694, 1702, 2141,  
Act 849

Payments to on public works contracts, so as to allow alternate escrow  
procedure, authorized—  
S 371, pages 147, 180, 940, 1894, 1992, 2143, Act 834

## CONTRACTS

Competitive bid, awarding of to resident bidders further provided—  
S 142, pages 42, 227

Public utility, competitive bidding required on—  
S 25, pages 22, 119, 522  
S 146, page 43

## CONTROLLED SUBSTANCES

Prescribing or dispensing for other than legitimate purposes, prohi-  
bited—  
S 516, pages 280, 568

## CONTROLLED SUBSTANCES LAW

Alcoholic beverage control board officers empowered to enforce—  
S 609, pages 547, 657

Penalties for certain violations of, further prescribed—  
S 604, page 546

## CORPORATIONS

Availability of provisions of non-profit corporation act to, provided—  
S 620, page 549

Domestic, franchise tax—  
S 17, page 20

Foreign, franchise tax—  
S 16, page 20

Organization, admission, consolidation, merger and dissolution of certain, further provided—  
S 89, pages 33, 178

Protection against takeover offers provided—  
S 284, pages 70, 361, 1317

## CORPORATIONS, PUBLIC

Alabama municipal electric authority created as, empowered to construct and operate generation, transmission and distribution projects—  
S 521, page 281

Buttahatchee river development authority established as—  
S 640, pages 553, 600, 759, 1083, 1168, 1698, Act 439

Established to assist in restoration, preservation and improvement of property listed in national register of historic places—  
H 557, pages 1152, 1220, 2132, 2138, Act 822

Hospital authorities authorized to become, bond issue, powers—  
H 61, pages 277, 294, 617, 1103, 1124, Act 409

Mortgage finance authority, incorporation of authorized in certain municipalities—  
S 733, page 850

Non-profit, formation of authorized to provide temporary care and custody of youths under jurisdiction of juvenile court—  
S 468, pages 192, 564  
H 711, pages 1110, 1212, 1689, 1738, Act 620

## CORRECTIONS, BOARD OF

Appropriation—  
S 297, page 73  
H 170, pages 174, 859, 914, 919, 975, 1671, 1676, 1967, 1987, Act 593

Commissioner authorized to appoint additional deputy—  
S 741, pages 913, 954, 1169, 1689, 1693, 1695, 1967, 1984, 2008, 2018, 2144, Act 595

**CORRECTIONS, BOARD OF (Continued)**

Restitution centers, creation of authorized—  
S 106, pages 36, 178

Supervision by for inmates released prematurely due to good time credit required—  
S 97, page 35  
S 158, page 45  
S 634, page 552  
S 635, page 552

Work release program, punishment for escape by inmate participating in, further defined—  
S 86, pages 33, 178

**CORRECTIONS INSTITUTION FINANCE AUTHORITY**

Certain land in Elmore county authorized to be conveyed to—  
S 12, pages 19, 226, 801

**CORRUPT PRACTICES ACT**

Extensively revised—  
S 625, pages 550, 709

**COTTON GINS**

Permit fee for operation of increased—  
S 348, pages 142, 222, 231

**COUNCIL ON THE ARTS AND HUMANITIES, ALABAMA**

Employees' of, brought under merit system and employees' retirement system—  
S 632, pages 552, 660, 861

**COUNSELORS**

Practice of regulated, examination and certification of associates provided—  
S 189, pages 50, 221, 1260

**COUNTIES**

Boards of equalization, county salary supplements provided—  
S 749, pages 961, 1043, 1366

Certain, adoption by reference of certain building codes, provided—  
S 603, pages 546, 657, 1393

Certain funds, deposit of in time deposit accounts required—  
S 412, page 169

Community action agencies, appropriations from ASETF distribution through, to each—  
S 766, page 1001

Community action agencies, authorized to appropriate funds to—  
S 765, page 1001

**COUNTIES (Continued)**

Distribution to, of amounts paid by Federal agencies in lieu of ad valorem taxes—

S 759, pages 1000, 1041, 1043, 1120, 1130, 1157, 1829

Exempt from liability arising from defects in road or bridge construction or maintenance—

S 363, page 146

S 560, page 357

Formation of non-profit public corporations by, to provide for care and custody of youths under jurisdiction of juvenile courts—

S 468, pages 192, 564

H 711, pages 1110, 1212, 1689, 1738, Act 620

Home rule provided for, CA—

S 44, pages 24, 178

S 80, page 32

S 90, pages 34, 221

Hospital boards of, authorized to own, operate and finance offices and parking facilities appurtenant to hospitals—

S 451, pages 189, 222, 558, 573, 1666, 1679, 1700, Act 468

Livestock, taking up and impounding upon public roads by, provided—

S 540, pages 306, 1045

Oil and gas severance tax, 50% earmarked for counties producing—

S 15, page 20

Physically handicapped, special parking provided for by—

S 62, page 28

Purchases by, of certain supplies and equipment for unified judicial system, further regulated—

S 35, pages 23, 111, 235, 1973, 1991, 2143, Act 821

Taxes, state, on gasoline, exempt from—

S 315, page 98

**COUNTY COMMISSIONS**

Annual publication of reports by, showing financial condition of the several counties, required—

S 362, pages 145, 228

Industrial parks, establishment by authorized—

S 628, page 551

S 670, pages 653, 672, 708

H 818, pages 1111, 1211, 1650, 1712, Act 604

Term of office uniformly fixed at six years—

S 277, page 69

**COUNTY ENGINEERS**

Qualifications of, exceptions—

S 664, page 598

H 16, pages 174, 262, 332, 346, Act 18

H 770, pages 854, 960, 1068, 1126, Act 382

H 1058, page 1076

## COUNTY GOVERNING BODIES

Establishment of law libraries by, permitted—  
S 241, pages 62, 295

Roads, drainage and utilities in subdivisions outside corporate limits of municipalities, regulated (Jefferson county excepted)—  
S 276, pages 69, 228

## COUNTY OFFICIALS

Supernumerary, certain, charged with assessment and/or collection of ad valorem taxes, compensation further provided (all counties except Jefferson)—  
S 119, pages 38, 114, 249

Tax collectors, tax assessors and license commissioners authorized to receive free copies of code of Alabama, 1975—  
S 125, page 39

## COURT REPORTER

Eighteenth judicial circuit, place no. two, expense allowance for—  
H 730, pages 1573, 1591, 1769, 1821, Act 858

## COURT, SUPREME

Appeals from actions of public service commission to be taken to—  
S 26, pages 22, 120, 519, 1716, 1744, 2142, Act 851

## COURTS

Appellate, compensation of judges fixed—  
S 450, page 189  
S 693, page 706

District, amount of small claims actions in increased—  
S 388, page 151

District, civil actions based on unlawful detainer to be placed on small claims dockets of—  
S 244, page 63  
H 179, pages 1111, 1212, 2134, 2140, Act 590

District, compensation of judges—  
S 694, page 706

Drivers license, suspension and revocation of, admissible as evidence in—  
S 397, pages 167, 220

Felons' right to trial by jury in, further regulated—  
S 161, pages 45, 118

Recorder's, certain jurisdiction granted in cases involving driving privileges—  
S 186, page 49

Statements of children, admissibility of, in certain juvenile or criminal proceedings—  
S 173, pages 47, 563

**COYOTES**

Importation of prohibited—  
H 1008, page 1330

**COYOTES AND WILD DOGS**

Lawful destruction of, provided—  
S 730, pages 849, 1114

**CREDIT UNIONS**

Further regulated—  
S 181, pages 48, 230, 667, 1668, 1674, 1700, Act 469

**CRIME VICTIMS**

Moneys received by criminals as a result of a crime to be paid to state board of adjustment for distribution to—  
S 43, pages 24, 360

**CRIME VICTIM'S COMPENSATION BOARD**

Established, membership provided, claims and appeal procedure defined—  
S 32, pages 23, 360

**CRIME VICTIM'S COMPENSATION COMMISSION, ALABAMA**

Created, membership, powers, duties provided—  
S 263, pages 66, 293  
S 341, page 141

**CRIMES AND OFFENSES**

Altered or obliterated identification marks, sale or use of articles with, prohibited—  
S 575, pages 541, 917

Bribery, crime of further defined—  
S 550, pages 308, 559, 803, 879  
H 10, pages 1104, 1359, 2110, 2135, 2140, Act 770

Burglary in third degree, designation, classification and penalty changed—  
S 549, pages 308, 559, 803, 873

Cattle theft declared theft of property in the second degree—  
S 324, pages 99, 223  
S 494, pages 210, 658, 914

Child abuse defined as crime, punishment provided—  
S 442, page 187

Citizen band radios, use of obscene language on declared a crime, penalties—  
S 681, pages 704, 917

Coal, fraudulent misrepresenting of, or mixing with other substances, criminal fraud, penalties provided—  
S 345, pages 141, 295, 1187, 1716, 1745, 2142, Act 855

Computer privacy, violations of, penalties—  
S 117, pages 38, 296

## CRIMES AND OFFENSES (Continued)

Convicted offenders, alternative sentencing of further provided—  
S 266, pages 67, 117, 587

Criminal trespass, class B felony—  
S 59, pages 28, 116

Deadly force, restrictions on use of by law enforcement officers lifted, in certain circumstances—  
S 61, pages 28, 219

Dissemination of obscene matter depicting children declared a felony—  
S 30, pages 22, 956  
S 72, pages 30, 954  
S 73, pages 30, 954  
S 236, page 61  
S 246, pages 63, 219  
H 11, pages 1112, 1212, 1643, 1721, 1780, Act 592

Escape in third degree shall be a class C felony—  
S 550, pages 308, 559, 803, 879  
H 10, pages 1104, 1359, 2110, 2135, 2140, Act 770

False alarms for emergency or rescue service, civil liability imposed—  
S 85, pages 33, 295

Falsification of claims to medical services administration declared a felony—  
S 646, page 555

Felonious injury, trial judge in cases of, to assess monetary damages and render judgment thereon—  
S 53, page 27

Felons' right to trial by jury further regulated—  
S 161, pages 45, 118

Firearms, intentional discharge of into occupied dwelling, declared felony—  
S 720, page 798  
H 262, pages 1111, 1212

Firearms, use of, in commission of felony, punishment further provided—  
S 343, pages 141, 573, 1254

Fraudulent use of debit card included within the offense of fraudulent use of a credit card—  
S 550, pages 308, 559, 803, 879  
H 10, pages 1104, 1359, 2110, 2135, 2140, Act 770

Impersonation of peace officer shall be a class A misdemeanor—  
S 550, pages 308, 559, 803, 879  
H 10, pages 1104, 1359, 2110, 2135, 2140, Act 770

Inciting a riot shall be a class A felony—  
S 550, pages 308, 559, 803, 879  
H 10, pages 1104, 1359, 2110, 2135, 2140, Act 770

Innocent victims of criminal acts, compensation provided—  
S 263, pages 66, 293  
S 341, page 141

## CRIMES AND OFFENSES (Continued)

Library theft designated as misdemeanor, penalties, detention of offenders—

S 70, pages 30, 219

Moneys received by criminals as a result of a crime to be paid to state board of adjustment for distribution to victims—

S 43, pages 24, 360

Murder, punishment further provided—

S 514, page 280

Obscene matter brought into state and distributed, a misdemeanor, penalties—

S 558, pages 357, 955, 1558, 1972, 1992, 2143, Act 678

Offense of harassing communication provided for—

S 550, pages 308, 559, 803, 879

H 10, pages 1104, 1359, 2110, 2135, 2140, Act 770

Persons previously convicted of certain, not to be released on bail or own recognizance if subsequently charged with certain crimes—

S 342, pages 141, 573

Public officials convicted of crime to forfeit rights to retirement benefits—

S 28, pages 22, 116

Release of certain information by district attorneys concerning persons or firms charged with, prohibited—

S 127, pages 39, 117

Spouse abuse, penalties provided—

S 638, page 553

Theft of propelled vehicle shall be theft of property in the first degree—

S 550, pages 308, 559, 803, 879

H 10, pages 1104, 1359, 2110, 2135, 2140, Act 770

Theft offenses, various, dollar amount of charged and theft of a debit added to theft of property in second degree—

S 550, pages 308, 559, 803, 879

H 10, pages 1104, 1359, 2110, 2135, 2140, Act 770

Threat, definition of further provided—

S 550, pages 308, 559, 803, 879

H 10, pages 1104, 1359, 2110, 2135, 2140, Act 770

Vehicles, obscuring identity of shall be a class C felony—

S 550, pages 308, 559, 803, 879

H 10, pages 1104, 1359, 2110, 2135, 2140, Act 770

Violations of mobile home safety act, civil and criminal penalties for imposed—

S 449, page 189

"White collar", attorney general authorized to create unit to investigate—

S 313, page 97



**CRIMINAL CODE**

Title 13A, amended—

S 59, pages 28, 116

S 61, pages 28, 219

S 324, pages 99, 223

S 494, pages 210, 658, 914

S 514, page 280

S 531, page 284

S 549, pages 308, 559, 803, 873

S 550, pages 308, 559, 803, 879

S 551, page 308

S 558, pages 357, 955, 1558, 1972, 1992, 2143, Act 678

H 10, pages 1104, 1359, 2110, 2135, 2140, Act 770

**CRIMINAL PROCEEDINGS**

Defendants in, may enter plea of not guilty prior to arraignment—

S 268, pages 67, 117, 589

**CRIMINAL TRESPASS**

Made a class B felony—

S 59, pages 28, 116

**CURATOR**

Appointment of, to manage property of mentally or physically handicapped—

S 6, pages 18, 117

S 7, pages 18, 117, 818

**CYSTIC FIBROSIS**

Treatment program for victims of, provided, appropriation—

S 333, pages 100, 218

**DAMS**

Safety inspection of, by civil defense department provided—

S 118, pages 38, 570, 1374

**DAUGETTE, HON. CLARENCE W.**

Building at Jacksonville state university named for—

H 541, pages 802, 1044, 1343, 1538, Act 520

**DAVIS, HON. ROBERT C.**

National guard armory at Albertville named for—

H 994, pages 1155, 1221, 1343, 1539, Act 522

**DEADLY PHYSICAL FORCE**

Instances where use of by law enforcement officers or citizens justified, clarified—

S 549, pages 308, 559, 803, 873

**DEAF AND BLIND, ALABAMA INSTITUTE FOR**

Appropriation for capital outlay—

S 659, pages 597, 861, 1318, 1715, 1745, 2142, Act 587

**DEAF AND BLIND, ALABAMA INSTITUTE FOR (Continued)**

Appropriation for sheltered workshop—

S 660, pages 597, 862, 1318, 1715, 1745, 2142, Act 588

Written policies by board of trustees required—

S 444, page 188

S 533, page 284

**DEATH**

Definition of, in cases where respiratory and cardiac functions are maintained artificially—

S 305, pages 74, 177

H 9, pages 952, 1212

**DEBENTURES**

Surplus, issued by insurance companies further regulated—

S 464, pages 191, 320

**DEBT SERVICE**

Appropriation for—

H 245, pages 944, 1218, 1650, 1830, 1897, 1993

**DECATUR HIGH SCHOOL BAND BOOSTERS**

Taxes, sales and use, exempt from—

S 177, pages 48, 206, 560

**DECLARATION OF RIGHTS**

Rewritten and revised in constitution, CA—

S 270, page 67

**DEFECTIVE PRODUCTS**

Rights of action for damages abolished after certain length of time—

S 218, page 58

S 222, page 58

S 500, pages 258, 862, 1364

**DEFENDANTS**

Contractors, primary and subcontractors, of injured's employer, not liable as in recovery actions—

S 665, page 598

Indigent, municipalities authorized to provide funds to represent under "fair trial tax law"—

S 303, pages 74, 956, 1391

H 184, pages 212, 565, 1659, 1734, Act 617

Not guilty plea permitted prior to arraignment in criminal cases—

S 268, pages 67, 117, 589

**DELIVERY PERSONNEL**

Prohibited from traversing lawns or private property not used as walkway, in delivery of mail—

S 262, pages 66, 120, 799

**DENTAL HYGIENISTS**

Employment, supervision and practice of, further regulated—  
S 671, page 653

**DENTISTS**

Establishment and operation of trusts to insure against malpractice liability, authorized—  
S 672, pages 653, 1114, 1550

Serving on review committees not liable personally for damages for action taken by committee—  
S 543, pages 306, 567

**DETAINEES**

Orderly disposition of provided in uniform mandatory dispositions of detainees act—  
S 441, pages 187, 220

Unlawful, civil action based on to be placed on small claims docket of district courts—  
S 244, page 63  
H 179, pages 1111, 1212, 2134, 2140, Act 590

**DISABLED AMERICAN VETERANS**

Taxes, sales and use, exempt from—  
S 207, pages 55, 115, 988, 1807, 1896, 2143, Act 670

**DISASTER LOAN FUND**

Created, board provided to administer, membership, powers and duties—  
S 501, pages 258, 293

**DISTRICT ATTORNEYS**

Abuse of powers of office of, prohibited, CA—  
S 128, page 40

Eighth judicial circuit, salary supplement for—  
S 580, pages 542, 601, 663, 957, 1056, 1639, 1678, 1700, Act 544

Elective office, seeking of other by, prohibited, CA—  
S 128, page 40

Fifteenth judicial circuit, pre-trial diversionary program, authorized—  
S 331, pages 100, 229, 322  
H 1044, pages 1029, 1350, 1608, 1728, Act 706

Ninth and thirty-eighth judicial circuits, county salary supplements for—  
S 298, pages 73, 322, 497

Release of certain information concerning persons or firms under investigation by, prohibited—  
S 127, pages 39, 117

Sixth judicial circuit, office of clerk-receptionist created—  
H 561, pages 1570, 1592, 1770, 1821, Act 856

**DISTRICT ATTORNEYS (Continued)**

Sixth judicial circuit, office of deputy district attorney no. 7 created—  
H 562, pages 1570, 1592, 1770, 1821, Act 857

Thirtieth judicial circuit, 1975 Acts, Act no. 903, applicable only in  
Blount county office of—  
S 794, pages 1054, 1217, 1341

Thirty-seventh judicial circuit, county, salary supplement for—  
H 925, pages 1237, 1587, 1747, 1817, Act 860

Twelfth judicial circuit, salary supplement provided—  
H 82, pages 174, 263, 332, 346, Act 21

**DISTRICT ATTORNEYS, SUPERNUMERARY**

Salaries, tenure and removal of—  
S 78, page 31

**DISTRICT COURTS**

Compensation of judges—  
S 694, page 706

**DISTRICT JUDGES**

Twenty-eighth judicial circuit, salary supplements for—  
S 757, pages 1000, 1047, 1138  
H 1149, pages 1566, 1589, 1756, 1818, Act 874

**DIVORCE**

Termination of alimony if spouse remarries or lives with member of  
opposite sex—  
H 824, pages 945, 1013, 2133, 2138, Act 596

**DOCKS DEPARTMENT, STATE**

Competitive bidding not required if under \$2,000—  
S 216, pages 57, 154

Proceeds from coal severance tax deposited to the credit of state docks  
bulk handling facility trust fund—  
S 18, page 20

Revenue bonds, amount authorized to be issued by increased—  
S 237, pages 61, 154  
H 94, pages 211, 297, 793, 876, 937, Act 368

Transfer of certain funds authorized—  
S 226, pages 60, 154

**DOUGLAS MacARTHUR STATE TECHNICAL COLLEGE**

Appropriation—  
S 675, pages 654, 862

**DRAKE, REP. TOM**

Falkville high school gymnasium named for—  
H 135, pages 277, 1584, 1593

**DRIVER'S LICENSES**

- Director of public safety may designate locations for holding of examinations—  
S 498, page 258  
H 327, pages 853, 1584, 1590, 2127, 2138, Act 773
- Director of public safety required to mail notice of expiration and application for renewal of—  
S 171, pages 47, 226, 1557
- Letter designation "B" to be used on for identification of black persons—  
S 636, page 553
- Minimum eyesight requirements for issuance of established—  
S 252, page 64
- Non-driver identification cards for citizens 65 years or over—  
S 41, page 24
- Non-resident armed forces members and students exempt from securing of—  
H 118, pages 952, 1211
- Persons over sixty years of age required to have eyesight examination every four years for renewal of—  
S 254, page 64
- Suspension and revocation of, admission in evidence of certificate or revocation provided for—  
S 397, pages 167, 220

**DRUGS**

- Pharmacists allowed to substitute, under certain conditions—  
S 46, page 25
- Pharmacists authorized to dispense lower cost generically equal, in lieu of prescribed brand name—  
S 299, page 73

**DRUGS AND PRESCRIPTIONS**

- Labels for, required to bear trade or generic name of—  
H 356, pages 339, 568

**EDUCATION**

- Alabama institute for deaf and blind, promulgation of written policies by board of trustees required—  
S 444, page 188  
S 533, page 284
- Appropriation, capital outlay, for emergency renovation projects in post-secondary education institutions—  
S 675, pages 654, 862
- Appropriation for capital improvements—  
S 783, pages 1006, 1044, 1292
- Appropriations for support of public—  
H 245, pages 944, 1218, 1650, 1830, 1897, 1993

## EDUCATION (Continued)

Blind parents, benefits for dependents of—

S 159, pages 45, 217, 941

H 147, pages 298, 1044, 2133, 2139, Act 772

Branch campuses of junior colleges, colleges and universities prohibited without consent of legislature—

S 79, pages 31, 566

S 474, pages 206

Certain employees in public, salary increases—

S 92, page 34

Continuing legal, for attorneys who represent public boards and agencies—

S 122, page 39

Continuing service status for teachers and for supervisors clarified—

S 438, pages 186, 261

Disputes between professional employees and boards of control of public schools, method for resolution provided—

S 467, pages 192, 565

Driver, 15-year-olds participating in may drive without license under certain conditions—

S 54, pages 27, 177, 827

Employees of public school systems, if incapacitated by on-the-job injury, may draw full salary for two years—

S 446, page 188

S 534, page 284

Health, required for high school students—

S 316, pages 98, 231, 567, 800, 1715, 1745, 2142, Act 853

Libraries, additional appropriation to public schools for—

H 137, pages 680, 952, 1650, 1680, 1816, 1829, 2105, 2131, 2139, Act 771

Period for silent meditation in public schools provided—

S 556, pages 309, 562, 1186, 1774, 1810, 2142, Act 662

Principals required to be full-time after September 1, 1980—

S 436, pages 186, 569

Probationary employees of educational institutions, evaluation procedure established—

S 438, pages 186, 261

Public school and college authority, Alabama, authorized to issue bonds for capital improvements—

S 205, pages 53, 114, 250, 269, 302, 342, 344, 350, 363, 540

S 422, page 171

S 488, page 208

H 450, page 530

Scholarships, American legion auxiliary, number of increased—

S 248, pages 64, 111, 163, 1981, 1992, 2143, Act 676

## EDUCATION (Continued)

Scholarships, establishment of by national guard scholarship committee—

S 132, pages 40, 560

School boards, local, establishment of standards of proficiency by—

S 81, pages 32, 32, 196

Schools and courses of instruction offered for sale in state, regulated by state board of education—

S 395, page 166

State tenure commission, membership expanded to include Alabama federation of teachers—

S 383, page 150

Tuition and textbooks provided for children of law enforcement officers killed in line of duty—

S 211, pages 56, 113, 248

## EDUCATION, BOARDS OF

City, authority of clarified and broadened—

S 439, pages 187, 567

City and county, reimbursement of employees for mileage when required to travel—

S 283, pages 70, 566, 1550

City and county, required to provide liability insurance for school bus drivers—

S 295, pages 72, 566

County, authority of clarified and broadened—

S 440, pages 187, 567

Immunity from tort liability provided—

S 157, pages 45, 566

Payment for certain costs of statewide reappraisal program chargeable to—

S 557, page 309

Public transportation, authorized to establish minimum distance for students to qualify for—

S 42, pages 24, 565

Randolph county, appropriation for school replacement—

S 490, pages 209, 262, 798, 1652, 1678, 1700, Act 542

## EDUCATION, STATE BOARD OF

Safe transportation of pupils, directed to further prescribe rules and regulations for—

S 242, page 62

H 139, pages 952, 1010

## EDUCATION, STATE DEPARTMENT OF

Kindergarten program, directed to establish and maintain—

S 66, pages 29, 218

**EDUCATION, STATE DEPARTMENT OF (Continued)**

Local school boards, assistance in establishing standards of proficiency—

S 81, pages 32, 32, 196

Youth services, department of, transfer of powers and duties to—

S 58, page 27

**EDUCATIONAL BENEFITS**

Disabled or deceased veterans, dependents and survivors of, further provided—

S 160, pages 45, 292, 942, 947, 1680, 1702, 2140, 2141, Act 585

**EDUCATIONAL BENEFITS FOR DEPENDENTS OF BLIND PARENTS ACT, ALABAMA**

Income allowed for eligibility for benefits under increased—

S 159, pages 45, 217, 941

H 147, pages 298, 1044, 2133, 2139, Act 772

**EDUCATIONAL BUILDING AUTHORITY**

Board of directors, powers further provided—

S 668, pages 653, 1045

H 841, pages 803, 1044, 1689, 1739, Act 841

**EDUCATIONAL INSTITUTIONS**

Public, appropriation to certain—

S 783, pages 1006, 1044, 1292

Public, certain, non-professional employees of, fair dismissal procedures provided—

S 359, pages 145, 260, 590, 628, 641, 642, 643, 664, 691, 693, 702, 733

**EDUCATIONAL SYSTEMS**

Governing boards of, required to develop grievance procedure—

S 511, page 260

**EDUCATORS**

Entitled to payment for fifty days sick leave upon retirement at same rate as regular pay—

S 445, pages 188, 261

S 481, page 207

Retired, twenty dollars per month for hospital-medical insurance provided—

S 466, page 192

H 506, page 1581

**ELDERLY PERSONS**

Non-driver identification cards furnished to—

S 41, page 24

**ELECTIONS**

"Absentee election manager", position created—

H 173, pages 836, 1010, 1675, 1735, Act 616



**ELECTIONS (Continued)**

Constitutional amendment, times for holding of prescribed, CA—

S 5, page 18

S 192, pages 50, 296

Constitutional amendment, to be held in affected county only, CA—

S 4, pages 18, 179, 1360

S 88, page 33

Corrupt practices act, extensively revised—

S 625, pages 550, 709

Electronic voting systems provided—

S 286, pages 71, 220

Laws governing extensively revised—

H 426, pages 1110, 1217, 1360, 1649, 1741, Act 584

Presidential preference primary, provided—

S 107, pages 36, 179, 1318, 1965, 1992, 2143, Act 691

Publication of poll lists prior to primary, date changed—

S 568, pages 359, 709, 822, 823

H 854, pages 802, 860, 1100, 1159, 1177, 1182, Act 380

Voter registration in precinct or ward of residence provided—

S 585, page 543

Voting age fixed at eighteen, CA—

S 273, page 68

**ELECTRIC UTILITIES**

Energy cost adjustment abolished—

S 33, page 23

**ELECTRIC UTILITY PLANTS**

Expansion policy established—

S 354, page 144

**ELECTRONIC VOTING SYSTEMS**

Authorized, duties and compensation of election officials—

S 286, pages 71, 220

**EMERGENCY OR RESCUE SERVICE**

False alarms for, civil liability imposed—

S 85, pages 33, 295

**EMINENT DOMAIN**

Power of, granted to university of north Alabama—

S 155, page 44

S 475, pages 206, 564, 833

State's power of restricted, and greater compensation to property owners provided, CA—

S 138, page 41

**EMPLOYEES**

Educational, certain, salary increases for—  
S 92, page 34

Non-professional, certain, of public educational institutions, fair dismissal procedure provided—  
S 359, pages 145, 260, 590, 628, 641, 642, 643, 664, 691, 693, 702, 733

Public, collective bargaining for, authorized—  
S 129, page 40

Public, garnishment of salaries for child support authorized—  
S 124, pages 39, 295

**EMPLOYEES' RETIREMENT SYSTEM**

Beneficiary under, not deemed restored to active service under certain circumstances—  
S 630, pages 552, 861

Board of control restructured—  
S 195, page 51

Military service, credit provided to certain members of—  
S 612, page 547

Military service, reopened to allow creditable service for full time—  
S 722, page 847

Pensions for persons retiring prior to retirement age because of physical disability, penalty removed—  
S 784, page 1006

Reopened for prior service for certain members—  
S 307, pages 75, 218

Retired members of, certain, cost-of-living increase provided—  
S 137, page 41  
H 119, pages 309, 559, 1006, 1097, 1099, 1159, 1649, 1711, Act 599

Retirees, certain, employed by government or public agencies, allowable earnings further provided—  
S 230, pages 60, 221

**EMPLOYEES, STATE**

Annual and sick leave benefits further regulated—  
S 756, pages 999, 1344, 1595

Beneficiary of entitled to half of accrued sick leave upon death—  
S 482, page 207

Certain retired, employed by governmental or public agencies, allowable earnings further provided—  
S 230, pages 60, 221

Certain, salary increases for, appropriation—  
S 601, pages 545, 657, 1316, 1978, 1993, 2143, Act 679  
H 171, pages 1327, 1586, 1805, 1817, Act 728

**EMPLOYEES, STATE (Continued)**

Certified professional secretaries, those qualifying as, eligible for pay increase—

S 280, page 70

S 375, page 148

Employees' retirement system reopened for prior service for certain—

S 307, pages 75, 218

Insurance, liability, provided by state for those required to drive—

S 115, pages 38, 38, 320, 1369

Paid leave for time spent in olympic competition—

H 182, page 298

Salary increases for certain—

S 91, pages 34, 206

**EMPLOYERS**

Wages, payment of to discharged or resigned laborers within 10 days of termination of employment, required of—

S 340, page 101

**ENERGY**

Building commission to adopt and promulgate building code to conserve—

S 31, pages 23, 570, 1373

H 769, pages 1154, 1218, 2108, 2137, Act 766

Centralized purchasing of certain equipment based on considerations of conservation of, provided—

S 153, page 44

Solar, ad valorem tax exemption for facilities to provide—

S 485, page 208

Solar, tax credit given for installation of—

S 8, pages 19, 115

Thermal, conservation of through criteria for new and renovated buildings provided for—

S 154, page 44

**ENERGY CONSERVATION PURCHASING ACT OF 1978, ALABAMA**

Designated—

S 153, page 44

**ENERGY MANAGEMENT BOARD, ALABAMA**

Lighting efficiency standards for public buildings provided by—

S 312, pages 97, 660

**ENGINEERS**

Registered civil, to be qualified to make percolation tests for subdivision development purposes—

S 434, page 186

**ENGINEERS AND LAND SURVEYORS**

Persons practicing, further exemptions of qualifications provided—  
S 637, page 553

Professional, renewal of registration, time limit removed—  
S 515, page 280

**ENGINEERS, COUNTY**

Blount county, not required to be land surveyor—  
H 1058, page 1076

Pike county, not required to be land surveyor—  
H 16, pages 174, 262, 332, 346, Act 18

Russell county, not required to be land surveyor—  
S 664, page 598  
H 770, pages 854, 960, 1068, 1126, Act 382

**ENTERPRISE STATE JUNIOR COLLEGE**

Naming the "B. A. Forrester building" at—  
H 767, pages 1155, 1218, 1344, 1539, Act 521

**ENTOMOLOGY, PATHOLOGY, HORTICULTURE, FLORICULTURE  
AND TREE SURGERY**

Professional workers in, further regulated as to use of pesticides—  
S 350, page 142

**EQUALIZATION, BOARDS OF**

County, salary supplements provided—  
S 749, pages 961, 1043, 1366

**ETHICS COMMISSION, STATE**

Citizen complaints, investigation of further regulated—  
320, pages 98, 224

Powers and duties further regulated, subpoena power provided—  
S 99, page 35  
S 267, page 67

**ETHICS LAW**

Amended to prohibit legislators from representing clients for a fee before  
certain state agencies—  
S 610, page 547

**EVIDENCE**

Certain, in liability cases of defective manufactured products, prohibited—  
S 281, page 70

Statements of children, admissibility as in certain juvenile or criminal  
cases  
S 173, pages 47, 563

**EXAMINERS IN COUNSELING, BOARD OF**

Created, duties and powers prescribed—  
S 189, pages 50, 221, 1260

**EXCEPTIONAL CHILDREN, INC.**

Taxes, sales and use, exempt from—  
S 201, pages 52, 112, 239

**EXECUTIVE APPOINTMENTS**

Confirmation by senate required within 5 legislative days—  
S 51, pages 26, 226

**EXECUTIVE DEPARTMENT**

Appropriation—  
H 244, pages 691, 1043, 1399, 1710, 2023, 2110, Act 597

Non-policy making elected officials of removed from constitutional status, CA—  
S 526, pages 283, 709

Reorganization of—  
S 2, page 15  
S 206, page 53

**EXECUTIVE DEPARTMENT REORGANIZATION ACT OF 1977**

Designated—  
S 2, page 15  
S 206, page 53

**EXECUTIVE SESSIONS**

State agencies, certain, forbidden from holding—  
S 9, pages 19, 227

**EXPLOSIVES**

Persons using, or excavating in vicinity of public utility facilities, required to notify utility—  
S 544, page 307

**EYESIGHT REQUIREMENTS**

Minimum, for licensing drivers of motor vehicles established—  
S 252, page 64

Minimum, for licensing drivers of motor vehicles established, examination required for drivers 60 or older—  
S 254, page 64

Minimum, for school bus drivers, established—  
S 251, page 64

**FAIR TRIAL TAX LAW**

Municipalities authorized to retain funds collected under, to represent indigent defendants—  
S 303, pages 74, 986, 1391  
H 184, pages 212, 565, 1659, 1734, Act 617

**FALKVILLE HIGH SCHOOL**

Gymnasium named for rep. Tom Drake—  
H 135, pages 277, 1584, 1593

**FALSE ALARMS**

For emergency or rescue service, civil liabilities for causing imposed—  
S 85, pages 33, 295

**FAMILY PRACTICE, JOINT ADVISORY BOARD OF**

Created, duties and authority established—  
S 225, pages 59, 221

**FARM CREDIT SYSTEM INSTITUTIONS**

Prohibited from selling insurance—  
S 708, page 795

**FARM EQUIPMENT**

Filing of, in office of secretary of state, to perfect a security interest in—  
S 678, page 655

**FARM IMPLEMENTS, MACHINERY AND EQUIPMENT**

Repurchase of from franchisee-retailers by franchisor-wholesalers,  
manufacturers or distributors required upon termination of contract—  
S 141, pages 42, 658

**FARM MACHINERY**

Exempt from ad valorem taxation—  
S 538, pages 285, 320

**FEDERAL AGENCIES**

Amounts paid to state by, in lieu of ad valorem taxes, distribution of—  
S 759, pages 1000, 1041, 1043, 1120, 1130, 1157, 1829

**FEDERAL AID HIGHWAY FINANCE AUTHORITY, ALABAMA**

Subordination of taxes and fees pledged to bonds issued by, provided—  
S 457, pages 190, 562, 1185  
H 336, pages 1109, 1220, 1682, 1738, Act 583

**FEDERAL TAX RETURNS**

Safeguarding of information used in administration of Alabama revenue  
laws, provided—  
S 203, pages 52, 113 247, 1826, 1992, 2143, Act 675

**FEDERATION OF TEACHERS, ALABAMA STATE**

Membership on state tenure commission for members, provided—  
S 383, page 150

Representation on board of control of teachers' retirement system provided—  
S 384, page 150

**FEEDS**

Commercial, manufacture and distribution of regulated—  
S 221, pages 58, 222, 231, 560, 1531, 2094, 2134, 2144, Act 780

**FEEES**

Boat operator's license, established—  
S 535, pages 284, 599

Mobile homes, required for licensing and inspection of used or repossessed—  
S 448, page 188

Permit, for outdoor advertising in vicinity of highways, increased  
S 98, pages 35, 260, 811, 1156, 1209, 1698, Act 383

Psychologists, registration and application for licenses—  
S 185, pages 49, 221

**FINANCE STATE, DEPARTMENT OF**

Appropriation—  
S 297, page 73  
H 170, pages 174, 859, 914, 919, 975, 1671, 1676, 1967, 1987, Act 593

Law enforcement officers in division of service, included in subsistence allowance act—  
S 57, pages 27, 114, 249

**FINANCIAL DISCLOSURE**

State treasurer, other employees, and immediate family, required from—  
S 67, pages 29, 120, 1187

**FINANCIAL INSTITUTION EXCISE TAX**

Imposition and collection of, upon common parent corporation of bank holding companies—  
S 357, pages 144, 197  
H 342, pages 1108, 1213, 1669, 1735, Act 840

**FIRE DEPARTMENTS**

Rural, state forester authorized to establish steering committee to represent—  
S 607, pages 547, 599

**FIREARMS**

Discharging of, intentional, into occupied dwelling, declared felony—  
S 720, page 798  
H 262, pages 1111, 1212

Use of, in commission of felony, punishment further provided—  
S 343, pages 141, 573, 1254

**FIREFIGHTERS**

Included in civil service systems of municipalities for law enforcement officers—  
S 361, page 145

Training of further provided—  
S 208, pages 55, 115, 833, 1705, 1744, 2142, Act 778

Working hours regulated, cities over 29,000 population—  
S 311, page 97

**FIREFIGHTERS PENSION FUND, ALABAMA**

Established, powers and duties prescribed—  
H 44, page 1575

**FIREFIGHTERS' PERSONNEL STANDARDS AND EDUCATION COMMISSION, ALABAMA**

Executive secretary and clerical assistants provided, per diem for members provided—  
S 208, pages 55, 115, 833, 1705, 1744, 2142, Act 778

**FISH, GAME AND WILDLIFE**

Traps, leg-hold or killer-type, unlawful—  
S 654, pages 596, 1114

**FISHING**

Commercial, further regulating gear used in—  
S 795, page 1054

**FOOD STAMPS**

Administration of program changed from county-state operation to a state administered program—  
S 356, pages 144, 217, 667, 837, 911, 1106, Act 359

**FORESTER, STATE**

Authorized to hire forest law enforcement officers—  
S 679, page 655

Steering committee established by, to represent rural fire departments—  
S 607, pages 547, 599

**FORESTRY COMMISSION, ALABAMA**

Appropriation—  
S 204, pages 52, 111, 162, 676, 677, 788, Act 97  
S 297, page 73  
H 170, pages 174, 859, 914, 919, 975, 1671, 1676, 1967, 1987, Act 593

**FORESTRY STUDY COMMITTEE**

Created, powers and duties defined, appropriation—  
S 370, pages 147, 223, 231, 291, 583, 590, 1321, 1391, 1699, Act 515

**FORRESTER, HON. BENJAMIN A.**

Building at Enterprise state junior college named for—  
H 767, pages 1155, 1218, 1344, 1539, Act 521

**FOXES**

Capture and relocation of, from over-populated areas, provided, taking of by traps prohibited—  
S 321, pages 98, 599

Hunting of by dogs permitted, trapping or shooting prohibited—  
S 653, pages 596, 1114

Purchase or sale of green hides, raw furs or pelts of, prohibited—  
S 325, pages 99, 1114



**FRANCHISE TAX**

On domestic corporations—  
S 17, page 20

On foreign corporations—  
S 16, page 20

**FRANCHISEE—RETAILERS**

Repurchase of stock and equipment of franchisor-wholesalers, manufacturers or distributors required upon termination of contracts—  
S 141, pages 42, 658

**FRAZIER, THOMAS H.**

Appropriation for the relief of—  
S 661, pages 597, 862

**FUEL**

Diesel oil and tractor fuel, used for agricultural purposes, further exempted from sales tax—  
S 183, pages 49, 115, 1549

**FUEL OR TAX CLAUSES**

Used in public utility rate-making, further regulated—  
S 27, pages 22, 120, 523  
H 510, pages 1324, 1366

**FUNDS, STATE**

Deposit of, further regulated—  
S 50, page 26

Retirement benefits for district and circuit judges to be paid exclusively from—  
S 75, page 31

**GARDEN CLUB OF ALABAMA, INC.**

Exempt from sales and use taxes—  
S 174, pages 47, 115

**GARY, MRS. NELL ESPY**

Building at George C. Wallace community college, Dothan, named for—  
S 746, page 914  
H 1024, pages 1105, 1580, 1691, 1738, Act 716

**GASOLINE**

Highway, disposition of proceeds of tax on—  
S 454, pages 189, 561, 1173  
H 335, pages 1109, 1219, 1682, 1738, Act 582

**GENERAL FUND**

Annual budget of appropriations from—  
H 244, pages 691, 1043, 1399, 1710, 2023, 2110, Act 597

Oil and gas severance tax, 50% earmarked for—  
S 15, page 20

**GENERAL FUND (Continued)**

Reallocation of monies from special educational trust fund to, provided—  
S 238, page 61

**GEORGE C. WALLACE COMMUNITY COLLEGE, DOTHAN**

Naming building at—  
S 746, page 914  
H 1024, pages 1105, 1580, 1691, 1738, Act 716

**GEORGE C. WALLACE STATE COMMUNITY COLLEGE, HANCEVILLE**

Administration building named for Harlan G. Allen—  
H 158, pages 277, 703, 862, 965, 1039, Act 396

**GIBSON, ROY AND VERA B.**

Moody high school named for—  
H 648, pages 830, 1369

**GOOD SAMARITAN LAW**

Protection of, extended to policemen and firemen—  
S 643, pages 555, 657

**GOOD TIME CREDIT**

Inmates released prematurely because of, supervision required—  
S 97, page 35  
S 158, page 45  
S 634, page 552  
S 635, page 552

**GOODS**

Non-conformity of, notice of to seller further provided—  
S 374, page 148

**GOVERNOR**

Annual report to legislature stating policies and goals—  
S 233, page 61  
Cabinet appointments made by, subject to senate confirmation—  
S 114, pages 38, 226  
Not eligible as own successor, CA—  
S 709, page 795

**GOVERNORS**

Former, injured by criminal act, department of public safety to provide security—  
S 100, page 35  
H 54, pages 193, 225, 2021, 2108, 2129, Act 589  
Former, retirement pension provided for certain, CA—  
S 52, pages 26, 115

**GRAND JURY REPORTER, OFFICIAL**

Fifteenth judicial circuit, office created—  
H 1040, pages 1028, 1346, 1600, 1725, Act 705

**GRIEVANCE PROCEDURE**

Governing boards of educational systems required to develop—  
S 511, page 260

**HARRISON, MAJOR GENERAL ALFRED C.**

National guard armory named for—  
S 144, pages 43, 225, 989, 1651, 1677, 1699, Act 535

**HAZARDOUS WASTES**

Handling, processing and disposal of, further provided—  
S 47, page 25  
S 285, pages 70, 568

**HAZARDOUS WASTES TECHNICAL ADVISORY COMMITTEE**

Established, powers and duties defined—  
S 47, page 25  
S 285, pages 70, 568

**HEALTH**

Cystic fibrosis, treatment programs for victims of provided—  
S 333, pages 100, 218

Death, definition of, in cases where respiratory and cardiac functions are maintained artificially—  
S 305, pages 74, 177  
H 9, pages 952, 1212

Genetics service at university of Alabama in Birmingham expanded—  
S 407, pages 168, 217, 798, 1979, 1992, 2143, Act 824

Smoking restricted in certain places—  
S 191, page 50

**HEALTH DEPARTMENT, STATE**

Appropriation—  
S 261, page 66  
S 297, page 73  
H 170, pages 174, 859, 914, 919, 975, 1671, 1676, 1967, 1987, Act 593

Bureau of environmental health to have approval of subdivision development based on percolation tests—  
S 434, page 186

Drug substitution, authorized to supervise program of—  
S 46, page 25

**HEALTH, DEPARTMENTS OF**

State and local, medical and vital statistics records excluded from public inspection—  
S 477, page 206

**HEALTH EDUCATION**

For high school students, required—  
S 316, pages 98, 231, 567, 800, 1715, 1745, 2142, Act 853

**HEALTH OFFICER, STATE**

Physicians required to report cases of juvenile diabetes to—  
S 398, page 167

**HEALTH PLANNING AND DEVELOPMENT ACT, STATE**

Amended to bring Alabama law into conformity with federal law—  
S 651, page 596  
H 652, pages 1175, 1593, 2135, 2140, Act 777

**HEALTH, PUBLIC—**

Hospitals, licensure and regulations further prescribed—  
S 227, pages 60, 221

State health planning and development act brought into conformity with federal law—  
S 651, page 596  
H 652, pages 1175, 1593, 2135, 2140, Act 777

**HEALTH, STATE BOARD OF**

Emergency departments in hospitals, standards for operation defined and regulated by—  
S 589, page 544

Hazardous wastes, authority and responsibilities relative to—  
S 47, page 25  
S 285, pages 70, 568

Subdivisions, lots of three acres or more not subject to rules of under certain circumstances—  
H 484, pages 1174, 1586, 2133, 2138, Act 776

**HEARING AID DEALERS, ALABAMA BOARD OF**

Promulgation and adoption of rules and regulations authorized—  
S 552, page 308

**HEATING, AIR CONDITIONING, ROOF AND SHEET METAL CONTRACTORS, STATE BOARD OF**

Created, powers and duties defined—  
S 487, pages 208, 321, 577, 673, 678, 680, 685, 701, 1694, 1702, 2141, Act 849

**HENRY COUNTY BOARD OF EDUCATION**

Appropriation, school replacement—  
H 304, pages 213, 291, 1240, 1538, Act 517

**HIGHWAY DEPARTMENT, STATE**

Appropriation—  
S 432, page 173  
S 598, pages 545, 657

Director of, administration of mass transportation programs authorized—  
S 417, pages 170, 1118

Highway advertising, to be further regulated by—  
S 68, pages 29, 116

## HIGHWAY DEPARTMENT, STATE (Continued)

Powers of relating to traffic safety, provided—  
S 101, pages 35, 178

Regulation of vehicles with oversize loads transferred to department of public safety—  
S 169, pages 46, 112, 240, 1676, 1692, 2088, 2128, 2144, Act 837

## HIGHWAY FINANCE CORPORATION, ALABAMA

Appropriation to, amount of bonds authorized to be issued by, limited—  
S 453, pages 189, 561, 1172  
H 333, pages 1109, 1219, 1681, 1737, Act 580

## HIGHWAYS

Advertising upon, further regulated—

S 68, pages 29, 116

S 98, pages 35, 260, 811, 1156, 1209, 1698, Act 383

S 414, pages 169, 1117

Cutting, destroying or taking away trees on rights-of-way of, declared misdemeanor—  
S 287, page 71

Federal aid, reimbursement of utilities for relocation of utility systems because of construction of—  
S 215, pages 57, 1017, 1047

Motor vehicles allowed on, size further regulated—  
S 240, pages 62, 321

Motor vehicles upon, operation of with more than 25% of windshield or windows covered, prohibited—  
S 140, pages 42, 361

Nabors, Jim, portion of U.S. 280 named for—  
H 234, pages 277, 562, 1224, 1720, 1779, Act 655

Portion of Alabama highway 69 named the "Victor Poole highway"—  
H 891, pages 803, 1580

Trucks, open top, carrying certain cargo, further regulated—  
S 87, pages 33, 563

Vehicle load limitation, persons violating to be assessed damages—  
S 561, page 357

## HISTORIC CHATTAHOOCHEE COMMISSION

Established, powers and duties defined—  
S 586, pages 543, 860, 1271, 1652, 1678, 1700, Act 545  
H 869, pages 1112, 1220

## HISTORICAL COMMISSION, ALABAMA

Personnel, certain, employment of—  
S 742, page 913

**HOLDING COMPANIES, BANK**

Financial institution excise tax imposed upon common parent corporation—

S 357, pages 144, 197

H 342, pages 1108, 1213, 1669, 1735, Act 840

**HOME RULE**

Provided for counties and municipalities, CA—

S 44, pages 24, 178

S 80, page 32

S 90, pages 34, 221

**HOMESTEAD EXEMPTION**

Increased—

H 403, pages 537, 656, 786, 805, 1166

**HOSPITAL BOARDS**

County, powers and authority of expanded in include appurtenant buildings and parking facilities—

S 451, pages 189, 222, 558, 573, 1666, 1679, 1700, Act 468

**HOSPITALS**

Emergency departments, operation of—

S 589, page 544

Issuance of bonds authorized—

H 61, pages 277, 294, 617, 1103, 1124, Act 409

Licensure of, further provided—

S 227, pages 60, 221

**HOUSTON COUNTY**

Constructing and equipping district trooper office in, authorized—

S 499, pages 258, 559

**HUNTER, MR. J. W.**

Appropriation—

H 123, pages 1570, 1590, 2108, 2137, Act 764

**HUNTING AND TRAPPING**

Coyotes and wild dogs, lawful destruction of provided—

S 730, pages 849, 1114

Fish, game and wildlife, leg-hole or killer-type traps, unlawful—

S 654, pages 596, 1114

Foxes, capture and relocation of—

S 321, pages 98, 599

Foxes, hunting of by dogs permitted, trapping or shooting prohibited—

S 653, pages 596, 1114

Foxes, red, purchase or sale of green hides, raw furs or pelts of, prohibited—

S 325, pages 99, 1114

**HUNTING AND TRAPPING (Continued)**

Fur-bearing animals, trapping of prohibited except on own property—  
S 753, page 962  
H 942, pages 841, 1012, 1081, 1129, Act 432

**IDENTIFICATION CARDS**

Provided free to all citizens 65 years or over—  
S 41, page 24

**IDENTIFICATION MARKS**

Sale or use of articles with altered or obliterated, prohibited—  
S 575, pages 541, 917

**IMPEACHMENTS**

Procedure for revised, CA—  
S 258, page 65

**INCOME**

Churches and non-profit organizations required to report certain to  
department of revenue—  
S 292, page 72

**INDIAN AFFAIRS COMMISSION OF ALABAMA**

Created, duties and membership provided, appropriation—  
S 323, page 99

**INDUSTRIAL DEVELOPMENT BOARDS**

Municipal, location of pollution control projects within police jurisdic-  
tion of another municipality authorized—  
S 536, pages 285, 319

**INDUSTRIAL PARKS**

County commissions authorized to establish, exempt from annexation by  
municipalities—  
S 628, page 551  
S 670, pages 653, 672, 708  
H 818, pages 1111, 1211, 1650, 1712, Act 604

**INDUSTRIAL REVENUE BOND ADVISORY COUNCIL, STATE**

Created, powers and duties prescribed—  
S 223, pages 59, 227, 1188, 1708, 1744, 2142, Act 586

**INDUSTRIAL REVENUE BONDS**

Notification procedure for issuance of required—  
S 223, pages 59, 227, 1188, 1708, 1744, 2142, Act 586

**INJURED PERSONS**

Release of liability, attempts to obtain from within 15 days prohibited—  
S 220, page 58

**INMATES**

Released due to good time credit, supervision provided—  
S 97, page 35

## INMATES (Continued)

S 158, page 45

S 634, page 552

S 635, page 552

## INSECTICIDE, RODENTICIDE AND FUNGICIDE ACT, FEDERAL

Enabling Alabama to meet pesticide applicator requirements of—  
S 351, pages 143, 223

## INSTITUTE FOR DEAF AND BLIND, ALABAMA

Appropriation, for capital outlay—  
S 659, pages 597, 861, 1318, 1715, 1745, 2142, Act 587

Appropriation, for sheltered workshop—  
S 660, pages 597, 862, 1318, 1715, 1745, 2142, Act 588

Written policies by board of trustees required—  
S 444, page 188  
S 533, page 284

## INSURANCE

Farm credit system institutions prohibited from selling—  
S 708, page 795

Fire, policies of, additional tax levied on—  
H 44, page 1575

Group, hospital or medical, psychologists services included—  
S 109, pages 37, 320

Health and accident, provided for certain public employees under Alabama public employees insurance program—  
S 82, pages 32, 224, 231

Hospital-medical, twenty dollars per month for retired educators, provided—  
S 466, page 192  
H 506, page 1581

Insuror of liability policies must prove damage of prejudice by failure of cooperation by insured as a condition precedent to relieving insuror of its liability—  
S 172, page 47

Issuance of contracts through credit card, retail or department store facilities, authorized—  
S 332, pages 100, 320

Liability, carrying of by state for employees required to drive vehicles, provided—  
S 115, pages 38, 38, 320, 1369

Licensing of agents further regulated—  
S 110, page 37  
S 265, pages 66, 262, 828

Maintenance of premium reserves by title insurers further regulated—  
S 505, pages 259, 269



## INSURANCE (Continued)

Malpractice liability, dentists authorized to establish trusts for—  
S 672, pages 653, 1114, 1550

Motorized bicycles, not required on—  
S 64, pages 29, 360, 1556

School bus drivers, boards of education required to furnish personal liability—  
S 295, pages 72, 566

## INSURANCE CODE, ALABAMA

Amended as to premium reserves of title insurers—  
S 505, pages 259, 569

Amended to further regulate the issuance of insurance contracts through credit card facilities or retail or department stores—  
S 332, pages 100, 320

## INSURANCE, COMMISSIONER OF

Information required on reports of certain insurance companies to, defined—  
S 707, page 795

Regulation and licensing of perpetual care cemeteries by—  
S 194, pages 51, 569, 976

## INSURANCE COMPANIES

Information required on reports by, to commissioner of insurance, defined—  
S 707, page 795

Private health, may not serve as fiscal agents for medicaid—  
S 275, page 68  
H 274, pages 1319, 1593

Surplus debentures issued by, further regulated—  
S 464, pages 191, 320

## INSURORS

Liability of, if there is failure of cooperation or of notification by insured, further defined—  
S 172, page 47

## INTEREST

Earned, accruing to state treasury, designated for medicaid purposes—  
S 69, pages 30, 218

## INTERIOR DECORATORS

Licensing of provided—  
S 364, page 146

## INTERIOR DECORATORS, STATE BOARD OF

Established, powers and duties defined—  
S 364, page 146

**INTERNATIONAL REGISTRATION PLAN**

Developed by the American association of motor vehicle administrators,  
membership in provided—

S 279, pages 69, 112, 239, 1669, 1702, 2141, Act 848

**INTERSTATE AGREEMENT ON DETAINERS ACT**

Alabama's entrance into with other member states provided—

S 441, pages 187, 220

**INTESTATES**

Descent and distribution of real estate of, order of succession changed—

S 290, page 72

**INVESTMENT COMMITTEE**

Created to supervise investment of state funds; powers, duties and compensation of members provided—

S 200, pages 52, 116, 820, 1177

**J. F. DRAKE STATE TECHNICAL COLLEGE**

Appropriation—

S 38, page 24

S 675, pages 654, 862

**JACKSONVILLE STATE UNIVERSITY**

Naming "the Clarence W. Daugette, jr. house"—

H 541, pages 802, 1044, 1343, 1538, Act 520

**JEFFERSON COUNTY**

District judges in, number reduced—

S 645, pages 555, 861, 1313, 1325

**JUDGES**

Circuit and district, 37th judicial circuit, judicial fund established for certain expenses of—

S 391, page 151

Circuit, supernumerary, eligibility for supplementary compensation further restricted—

S 469, pages 192, 756, 867, 1635, 1678, 1700, Act 541

Circuit, 37th judicial circuit, salary supplement provided—

S 390, pages 151, 756, 866

H 387, pages 342, 571, 605, 645, Act 263

Comptroller estopped from paying certain cost-of-living salary increases to—

S 566, page 359

Recorders court, granted certain jurisdiction in cases involving driving privileges—

S 186, page 49

Retirement benefits shall not change as the salary for position may change—

S 483, page 207

## JUDGES (Continued)

Retirement benefits to be based on salaries as of January 1, 1978—  
S 484, page 207

Salaries and expense allowances for further provided—  
S 484, page 207

Sentencing records, maintenance of history of provided—  
S 145, page 43

Supreme court and appellate court, compensation—  
S 450, page 189

Trial, to assess monetary damages in cases of felonious injury and render judgment thereon—  
S 53, page 27

## JUDGES, CIRCUIT

Retirement benefits to be paid exclusively from state funds—  
S 75, page 31

## JUDGES, DISTRICT

Retirement benefits to be paid exclusively from state funds—  
S 75, page 31

Twenty-eighth judicial circuit, salary supplements for—  
S 757, pages 1000, 1047, 1138  
H 1149, pages 1566, 1589, 1756, 1818, Act 874

## JUDICIAL ARTICLE

Amended, legislature required to affirm implementation of recommendations of judicial compensation commission, CA—  
S 76, pages 31, 564

## JUDICIAL BRANCH

Appropriation—  
H 244, pages 691, 1043, 1399, 1710, 2023, 2110, Act 597

## JUDICIAL CIRCUITS

Eighteenth, additional judge provided—  
S 554, pages 308, 657, 989, 1651, 1678, 1700, Act 543  
H 575, pages 1112, 1579

Eighteenth, expense allowance for court reporter, place no. two—  
H 730, pages 1573, 1591, 1769, 1821, Act 858

Eighth, county supplement to district attorney—  
S 580, pages 542, 601, 663, 957, 1056, 1639, 1678, 1700, Act 544

Fifteenth, creating office of official grand jury reporter—  
H 1040, page 1019

Fifteenth, pre-trial diversionary program for first offenders, authorized—  
S 331, pages 100, 229, 322  
H 1044, pages 1029, 1350, 1608, 1728, Act 706

## JUDICIAL CIRCUITS (Continued)

- Fourteenth, jury commission secretary, salary further provided—  
H 331, pages 1026, 1353, 1616, 1730, Act 615
- Ninth, district attorney, county salary supplement for—  
S 298, pages 73, 322, 497
- Sixth, office of clerk-receptionist created in office of district attorney—  
H 561, pages 1570, 1592, 1770, 1821, Act 856
- Sixth, office of deputy district attorney no. 7 created—  
H 562, pages 1570, 1592, 1770, 1821, Act 857
- Tenth, additional judgeship created—  
S 644, pages 555, 861, 1247
- Thirteenth, compensation of bailiffs—  
H 222, page 853
- Thirty-eighth, district attorney, county salary supplement for—  
S 298, pages 73, 322, 497
- Thirty-fifth, presiding judge authorized to use the solicitor's funds—  
S 677, pages 654, 863, 966, 1288, 1320, 1699, Act 509  
S 682, pages 704, 863, 966
- Thirty-ninth, created—  
S 182, pages 49, 113, 246, 932, 992, 1106, Act 377
- Thirty-seventh, district attorney, county salary supplement—  
H 925, pages 1237, 1587, 1747, 1817, Act 860
- Thirty-seventh, judicial fund established in—  
S 391, page 151
- Thirty-seventh, salary supplement for circuit judges provided—  
S 390, pages 151, 756, 866  
H 387, pages 342, 571, 605, 645, Act 263
- Thirty-seventh, supplemental compensation for supernumerary judge further restricted—  
S 469, pages 192, 756, 867, 1635, 1678, 1700, Act 541
- Thirty-sixth, assessment of additional filing fee for law library—  
S 723, pages 547, 1011, 1070, 1288, 1320, 1699, Act 511
- Twelfth, salary supplement for district attorney, provided—  
H 82, pages 174, 263, 332, 346, Act 21
- Twenty-eighth, salary supplements for district judges—  
S 757, pages 1000, 1047, 1138  
H 1149, pages 1566, 1589, 1756, 1818, Act 874
- Twenty-fifth, public defender, office created—  
H 1059, pages 1077, 1358, 1633, 1741, Act 720

## JUDICIAL COMPENSATION COMMISSION

- Legislature required to affirm implementation of recommendations of—  
S 77, pages 31, 564

**JUDICIAL COMPENSATION COMMISSION (Continued)**

Legislature required to affirm implementation of recommendations of,  
CA—  
S 76, pages 31, 564

**JUDICIAL OFFICERS**

Increase of compensation during term of office prohibited, CA—  
S 139, page 42

**JUDICIAL RETIREMENT**

Benefits based on judge's final salary at time of retirement—  
S 74, pages 31, 564

**JUDICIAL RETIREMENT FUND**

Further provided for—  
S 143, page 42

Transfer of certain contributions from teachers' retirement system to,  
provided—  
S 530, pages 284, 562

**JUDICIAL RETIREMENT SYSTEM**

Meaning of legal or judicial service as it relates to eligibility further  
provided, qualifying date of service extended—  
S 530, pages 284, 562

**JUDICIAL REVIEW**

Of proceedings on appeal from orders of public service commission pro-  
vided—  
H 509, pages 1324, 1366

**JUDICIAL SYSTEM, UNIFIED**

County purchases of certain supplies and equipment for, further regu-  
lated—  
S 35, pages 23, 111, 235, 1973, 1991, 2143, Act 821

**JUDICIARY**

Compensation and retirement benefits clarified—  
S 143, page 42

**JUNIOR COLLEGES**

Establishment of branch campuses of restricted—  
S 79, pages 31, 566  
S 474, page 206

**JUNIOR LEAGUE OF TUSCALOOSA COUNTY, INC.**

Taxes, sales and use, exempt from—  
S 754, page 962

**JURIES**

Less than unanimous, in civil cases, provided for, CA—  
S 270, page 67

**JURIES (Continued)**

Six-member, provided in civil and criminal cases, CA—  
S 270, page 67

**JURORS**

Expense allowances to be paid by state—  
H 217, pages 211, 294, 1688, 1738, Act 618

**JURY**

Felons' right to trial by, further regulated—  
S 161, pages 45, 118

**JURY COMMISSIONS**

Fourteenth judicial circuit, salary of secretary further provided—  
H 331, pages 1026, 1353, 1616, 1730, Act 615

**JURY DUTY**

Attorneys and judges only, exempt from—  
H 308, pages 215, 362, 1661, 1719, 1780, 1989, 2013, Act 594

**JUVENILE COURTS**

Youths under jurisdiction of, non-profit corporations formed to provide  
temporary care and custody of—  
S 468, page 35  
H 711, pages 1110, 1212, 1689, 1738, Act 620

**JUVENILE DIABETES**

Cases of, report by physicians to state health officer required—  
S 398, page 167

**KIDNEY FOUNDATION OF ALABAMA, INC.**

Taxes, sales and use, exempt from—  
S 622, pages 549, 953, 1313

**KINDERGARTENS**

Established as part of public school system—  
S 66, pages 29, 218

**LABOR**

Collective bargaining for public employees authorized—  
S 129, page 40

**LABORERS**

Wages, payment of to discharged or resigned, within 10 days of termination of employment, required of employer—  
S 340, page 101

**LAND**

Certain, exempt from ad valorem taxation—  
S 706, pages 769, 1045

**LAND SURVEYING AND ENGINEERING SERVICES**

Mechanics and materialmen's lien law expanded to include—  
S 724, page 847

**LAND SURVEYS, DIVISION OF**

Recording fees for instruments conveying real estate, paid to state treasurer for benefit of—  
S 652, pages 596, 953, 1392

**LAND SURVEYS FUND**

Allocation and distribution of recording fees for real estate instruments—  
S 652, pages 596, 953, 1392

**LANDMARKS**

Provisions for registration of provided—  
S 492, pages 209, 660, 1114

**LAW**

Requirements for practice of, further regulated—  
S 319, page 98

**LAW ENFORCEMENT OFFICERS**

Additional, added to list of those whose compensation was increased by Act no. 600, 1977 Acts—  
H 150, pages 1112, 1578, 1648, 1691, 1737, Act 578

Alcoholic beverage control board, certain employees of, eligible for compensation to surviving dependents of law enforcement officers killed in course of employment—  
H 133, page 1113

Bill of rights for provided—  
S 443, pages 187, 573  
H 346, page 1291

Bulletproof vests, wearing of by certain, required—  
S 156, page 44

Damages suffered while on official duty, bringing of civil suit provided for—  
S 443, pages 187, 573

Deadly force, restrictions lifted on use of, in certain circumstances—  
S 61, pages 28, 219  
S 549, pages 308, 559, 803, 873

Department of finance, division of service, employed by, included in subsistence allowance act—  
S 57, pages 27, 114, 249

Fees and costs of defense of in certain cases provided—  
S 459, pages 190, 558

Minimum starting salary provided—  
S 461, pages 191, 225

**LAW ENFORCEMENT OFFICERS (Continued)**

Municipal civil service systems for, to include firefighters—  
S 361, page 145

Retired, carrying of pistols by authorized—  
S 460, pages 191, 225

State forester authorized to hire—  
S 679, page 655

State, salaries tied to consumer price index—  
S 308, page 75

**LAW ENFORCEMENT PLANNING AGENCY, ALABAMA**

Established, powers and duties defined, boards and committees provided  
for—  
H 128, pages 211, 318, 1692, 2107, 2138, Act 820

**LAW INSTITUTE, ALABAMA**

Miles college law school, dean of, to be member of council—  
H 1, pages 214, 294, 1241, 1720, 1779, Act 653

**LAW LIBRARIES**

Establishment of in each county provided for—  
S 241, pages 62, 295

Thirty-sixth judicial circuit, additional filing fee on district and circuit  
court cases for—  
S 723, pages 847, 1011, 1070, 1288, 1320, 1699, Act 511

**LAWNS**

Personnel delivering mail, traversing of prohibited—  
S 262, pages 66, 120, 799

**LEAVE**

Annual and sick, for merit system employees further provided—  
S 756, pages 999, 1344, 1595

Paid, granted state employees for time spent in Olympic competition—  
H 182, page 298

Sick, beneficiary of state employee entitled to half of accrued, upon death  
of employee—  
S 482, page 207

Sick, retiring educators entitled to fifty days at rate of regular pay—  
S 445, pages 188, 261  
S 481, page 207

**LEGISLATIVE DEPARTMENT**

Appropriation—  
H 244, pages 691, 1043, 1399, 1710, 2023, 2110, Act 597

**LEGISLATIVE REAPPORTIONMENT**

Procedure for provided, CA—  
S 274, page 68



## LEGISLATORS

Immunity from certain arrests, removed, CA—

S 176, page 48

S 178, page 48

Ineligible to serve on board of trustees of any state college or university,

CA—

S 278, page 69

Representing clients for a fee before certain state agencies, prohibited—

S 610, page 547

## LEGISLATURE

All general and permanent laws passed by, in 1976 and 1977 sessions, to be incorporated into 1975 code—

S 674, pages 654, 863, 1549, 1807, 1896, 2143, Act 674

Annual report by governor to as to administration's policies and goals—

S 233, page 61

Annual sessions amendment repealed, CA—

S 45, page 25

Appropriation—

S 597, pages 545, 656

Control of certain parking spaces on streets adjacent to capitol—

S 529, page 283

H 122, pages 508, 702, 859

Enactment of general and local laws, authority further defined, CA—

S 627, pages 551, 709

Executive appointments, confirmation by senate within five legislative days—

S 627, pages 551, 709

Executive appointments, confirmation by senate within five legislative days—

S 51, pages 26, 226

Gambling, legalizing of prohibited, CA—

S 577, page 541

Joint committee established to review rules of state agencies—

S 437, page 285

Judicial compensation commission, affirmative action required by to implement recommendations of—

S 77, pages 31, 564

Judicial compensation commission, affirmative action required by to implement recommendations of, CA—

S 76, pages 31, 564

Length of and subjects to be considered in certain sessions provided, CA—

S 493, pages 210, 295

Method of adopting constitutional amendments and calling elections therefor, CA—

## LEGISLATURE (Continued)

S 5, page 18

S 192, pages 50, 296

Powers, duties, provisions of, revised, CA—

S 269, pages 67, 296

Printing of acts of, further regulated—

S 29, pages 22, 226

Proliferation of branch campuses of junior colleges, colleges, and universities prohibited without consent of—

S 79, pages 31, 566

Recall procedure established for public officials, CA—

S 168, page 46

Restricted to local legislation and budget in even-year sessions, restricting number of days, CA—

S 480, pages 207, 296

Retirement plans, required to appropriate necessary funding for, CA—

S 546, pages 307, 656, 939, 963

## LEUKEMIA SOCIETY OF AMERICA, ALABAMA CHAPTER

Exempt from sales and use taxes—

S 429, pages 173, 561, 1392

## LIABILITY

Obtaining release of, from injured persons within fifteen days of occurrence prohibited—

S 220, page 58

## LIBRARIES

Public schools, additional appropriation for—

H 137, pages 680, 952, 1650, 1680, 1816, 1829, 2105, 2131, 2139, Act 771

Theft from designated a public offense, penalties, detention of offenders—

S 70, pages 30, 219

## LIBRARY, ALABAMA STATE

Public library service renamed as—

S 13, pages 20, 226

S 48, pages 26, 321, 1530

## LIBRARY SERVICE, PUBLIC

Limitations removed on expenditure of monies appropriated to—

S 11, pages 19, 112, 244, 1807, 1895, 2143, Act 664

## LICENSE PLATES

Distinctive, authorized for shrine motorcycle club—

S 721, page 847

Distinctive, provided for physically handicapped—

S 63, page 28

S 513, page 260

**LICENSE PLATES (Continued)**

Distinctive, to be furnished congressional medal of honor recipients—  
S 747, pages 914, 954

Motor vehicle registration or issuance of prohibited until use tax has  
been paid—  
S 737, page 852

Personalized, additional fee for, payable only upon issuance of—  
S 162, pages 45, 297, 1367

Special, for disabled veterans, to include those with fifty percent or more  
disability, cost raised to five dollars—  
H 435, pages 1112, 1592, 2136, 2140, Act 775

**LICENSE TAGS**

Motor vehicle, temporary, issuance and regulation of by department of  
revenue—  
S 587, page 543

Record of transfer to be made to probate judge—  
S 565, page 358

**LICENSES**

Alcoholic beverage control board to issue to manufacturers, wholesalers  
and retailers of wines—  
H 325, pages 1205, 1369

Boat operator's, established—  
S 535, pages 284, 599

Driver, 15 year-olds in driver education program may drive without,  
under certain conditions—  
S 54, pages 27, 177, 827

Invalid checks given for, procedure in cases involving—  
S 508, page 259

Mobile homes, required for sale of used and repossessed—  
S 448, page 188

Motor vehicle, probate judge's fee increased—  
S 555, page 309  
H 87, pages 342, 656, 1639, 1712, Act 598

Motorized bicycles, procedure and fee—  
S 64, pages 29, 360, 1556

Nursing homes, issuance to—  
S 14, page 20

Privilege, required for automotive dismantlers and parts recyclers—  
S 130, pages 40, 292

Trailers, rental, time period for payment of taxes and fees extended—  
S 123, pages 39, 111, 162

**LIEUTENANT GOVERNOR**

Not eligible as own successor, CA—  
S 709, page 795

**LIMESTONE COUNTY**

Deleted from provisions of Act no. 801, 1977, hunting and trapping of fur-bearing animals—

H 942, pages 841, 1012, 1081, 1129, Act 432

**LIQUEFIED PETROLEUM GAS**

Industry further regulated—

S 725, pages 847, 1118, 1365

**LITTLE SISTERS OF THE POOR**

Home for the aged, inc., exempt from sales and use taxes—

S 328, pages 99, 561

**LIVESTOCK**

Taking up and impounding of upon public roads provided—

S 540, pages 306, 1045

Theft of, classified as theft of property in the second degree—

S 324, pages 99, 223

S 494, pages 210, 658, 914

**LIVESTOCK THEFT INVESTIGATORS**

Former "cattle theft investigators" redesignated as, powers and duties defined—

S 410, pages 169, 224

**LIVINGSTON STATE UNIVERSITY**

Appropriation—

S 506, page 259

S 541, page 306

Board of trustees, membership further provided—

S 507, pages 259, 567

H 522, pages 993, 1221, 1342, 1538, Act 519

**LOCAL GOVERNMENTS**

Authorized to form public corporations to provide temporary care for youths under custody of juvenile courts—

S 468, pages 192, 564

H 711, pages 1110, 1212, 1689, 1738, Act 620

Constitutional amendments, local, means of adopting provided, CA—

S 4, pages 18, 179, 1360

S 88, page 33

County and municipal or consortiums thereof, creation of resource recovery board by—

S 592, page 544

Home rule by authorized, CA—

S 44, pages 24, 178

S 80, page 32

S 90, pages 34, 221

Municipalities authorized to annex territory within corporate limits of, under certain circumstances—

S 310, page 97

## LOCAL GOVERNMENTS (Continued)

Recall of elective public officials, procedure provided—  
S 167, page 46

Solid waste collection and disposal, jurisdiction of—  
S 210, pages 56, 222

## LOCOMOTIVES

Railroad, operation of when leaving terminal further regulated—  
S 385, page 150

## LOYAL ORDER OF MOOSE

Taxes, ad valorem exempt from—  
S 104, pages 36, 560  
S 335, pages 100, 561, 1311, 1807, 1896, 2143, Act 672

## LYMAN WARD MILITARY ACADEMY

Appropriation—  
S 399, page 167  
H 486, pages 689, 1219, 1651, 2023, 2109, Act 747

## MACHINERY

Farm, exempt from ad valorem taxation—  
S 538, pages 285, 320

## MAIL

Unsolicited merchandise received by, recipients may retain—  
S 518, page 281

## MALPRACTICE

Dental, dentists authorized to establish and operate trusts to insure  
against liability for—  
S 672, pages 653, 1114, 1550

## MANUFACTURED PRODUCTS

Statute of limitations for actions for damages due to defects in, provided—  
S 218, page 58  
S 222, page 58  
S 500, pages 258, 862, 1364

## MANUFACTURERS AND SELLERS

Defenses to liability of in product liability actions established—  
S 377, page 148  
S 431, page 173

Evidence, certain, excluded from actions against, arising out of defective  
manufactured products—  
S 281, page 70

Sale or use of articles with altered or obliterated identification marks,  
prohibited—  
S 575, pages 541, 917

## MAPS

Property value and ownership, maintenance of in each county after

## MAPS (Continued)

statewide reappraisal further provided—  
S 365, pages 146, 319

## MARENGO COUNTY

Barbers, registration and licensing of, exempt from section 34-5-15, code  
of Alabama 1975—  
H 1125, page 1572

## MARINE DEALERSHIPS

Certain practices of regulated—  
H 241, pages 244, 599

## MARION MILITARY INSTITUTE

Appropriation—  
S 401, page 167  
H 249, pages 689, 1219, 1651, 2022, 2109, Act 758

## MATRIMONY

Under age of fourteen authorized under certain circumstances—  
S 588, page 543

## MECHANIC'S AND MATERIALMEN'S LIEN LAW

Land surveying and engineering, expanded to include—  
S 724, page 847

## MECHANIC'S LIENS

Transfer and assignment further provided—  
S 309, pages 75, 177

## MEDICAID

Earned interest accruing to the state treasury to be designated for—  
S 69, pages 30, 218

Eligibility for, further regulating—  
S 14, page 20

Fiscal agents of, private health insurance companies prohibited from  
serving as—  
S 275, page 68  
H 274, pages 1319, 1593

World war I pensioners exempt from income requirements for benefits  
of—  
S 470, pages 192, 219, 804

## MEDICAID FISCAL AGENTS

Contracts for, shall run for three years—  
S 275, page 68  
H 274, pages 1319, 1593

## MEDICAL EDUCATION

Residency programs established to further supply of family physicians—  
S 225, pages 59, 221

**MEDICAL SERVICES**

Emergency, state board of health authorized to regulate operation of in hospitals—

S 589, page 544

**MEDICAL SERVICES ADMINISTRATION**

Appropriation—

S 297, page 73

H 170, pages 174, 859, 914, 919, 975, 1671, 1676, 1967, 1987, Act 593

Falsification of claims or applications for benefits from, declared a felony—

S 646, page 555

**MEDICINE**

Practice of without examination, by physicians enrolled in residency training programs, authorized—

S 314, pages 97, 222, 941, 1652, 1677, 1700, Act 536

H 294, pages 1106, 1213

**MENTAL HEALTH**

Bill of rights for retarded persons—

S 571, page 359

Mentally disabled persons, severely, involuntary emergency examination and treatment established and regulated—

S 712, page 796

Psychologists, services of, to be covered by certain medical insurance policies—

S 109, pages 37, 320

**MENTAL HEALTH, DEPARTMENT OF**

Alcoholic beverage control board, percentage of net profits apportioned to, for treatment of alcoholics—

S 633, page 552

**MENTALLY ILL**

Appointment of curator to manage property of—

S 6, pages 18, 117

S 7, pages 18, 117, 818

**MERCHANDISE**

Unsolicited, recipients may retain—

S 518, page 281

**METERS**

Gas and electric, showing consumption in dollars and cents, installation of by public utilities provided—

S 150, page 44

**MILEAGE**

City and county boards of education required to reimburse employees for—

S 283, pages 70, 566, 1550

**MILES COLLEGE**

Dean of law school to be member of Alabama law institute—

H 1, pages 214, 294, 1241, 1720, 1779, Act 653

**MILITARY**

Automobile license taxes and registration fees, exemption for removed—  
S 786, page 1006

Leave of absence benefits to certain individuals limited—  
S 318, pages 98, 225, 1167

**MILITARY RETIREMENT**

Benefits exempt from state income taxes—  
S 105, page 36  
S 179, pages 48, 111, 163, 184, 203, 234, 248, 695

**MILITARY SERVICE**

Credit for provided to certain members of employees' retirement system—  
S 612, page 547  
S 722, page 847

**MINES, SCHOOL OF**

University of Alabama at Tuscaloosa, capital outlay appropriation—  
S 408, pages 168, 292, 1386, 1564

**MINIMUM BUILDING CODE**

Building commission to adopt and promulgate, to conserve energy—  
S 31, pages 23, 570, 1373  
H 769, pages 1154, 1218, 2108, 2137, Act 766

**MINORS**

Anatomical gift law amended to exclude—  
S 10, pages 19, 116

Persons possessing, producing or distributing obscene matter involving, guilty of a felony—  
S 30, pages 22, 956  
S 72, pages 30, 954  
S 73, pages 30, 954  
S 236, page 61  
S 246, pages 63, 219  
H 11, pages 1112, 1212, 1643, 1721, 1780, Act 592

Showing, selling or displaying obscene matter to, declared a misdemeanor—  
S 562, pages 358, 955, 1272, 1680, 1702, 2141, Act 652

**MISDEMEANORS**

Sentences for may include hard labor—  
S 550, pages 308, 559, 803, 879  
H 10, pages 1104, 1359, 2110, 2135, 2140, Act 770

**MOBILE HOMES**

Civil and criminal penalties for violations of safety standards imposed—  
S 449, page 189  
Safety standards for provided—  
S 447, page 188



**MOBILE HOMES (Continued)**

Used or repossessed, safety standards for, inspection and licenses—  
S 448, page 188

**MONETARY DAMAGES**

Trial judges to assess, in cases of felonious injury, and render judgment thereon—  
S 53, page 27

**MONEY MANAGER, STATE**

Position of created—  
S 108, page 37

**MONTGOMERY COUNTY**

Ad valorem classification, ratio of assessed value to fair and reasonable market value lowered—  
S 39, page 24

**MORTGAGE FINANCE AUTHORITY**

Incorporation of, as public corporation in certain municipalities authorized—  
S 733, page 850

**MOTION PICTURES**

Bidding procedures for licensing of provided—  
S 219, pages 58, 293  
H 152, pages 951, 1113, 1640, 1712, Act 591

**MOTOR FUEL**

Disposition of proceeds of excise tax on—  
S 455, pages 190, 561, 1173  
H 334, pages 1109, 1219, 1681, 1738, Act 581

**MOTOR VEHICLE DEALERS**

Qualifications for licensing established, sales tax reporting and other records further regulated—  
S 424, pages 172, 184, 197, 806, 1652, 1677, 1700, Act 539

**MOTOR VEHICLE FRANCHISORS**

Indemnification of their franchisees for certain liabilities required—  
S 423, pages 172, 184, 197  
H 80, pages 291, 570

**MOTOR VEHICLES**

Ambulances, requirements for operation of established—  
S 502, page 258  
Automotive dismantlers and parts recyclers, licensing of provided—  
S 130, pages 40, 292  
Automotive repair dealers, further regulated—  
S 520, page 281

## MOTOR VEHICLES (Continued)

Height, weight and width of, on public roads, further regulated—

S 169, pages 46, 112, 240, 1676, 1692, 2088, 2128, 2144, Act 837

S 240, pages 62, 321

Interstate or international registration by reciprocal agreements provided—

S 279, pages 69, 112, 239, 1669, 1702, 2141, Act 848

Judges of recorder's court granted certain jurisdiction in cases involving driving privileges—

S 186, page 49

License tags, temporary, issuance and regulation by department of revenue—

S 587, page 543

License taxes and registration fees, distribution of further provided—

S 456, pages 190, 562, 1185

Load limitation on highways, assessment of damages for violators required—

S 561, page 357

Minimum eyesight requirements established for licensing drivers of—

S 252, page 64

Minimum eyesight requirements for licensing drivers of established, drivers 60 or older re-examined every 4 years—

S 254, page 64

Motorized bicycles defined, licensing procedure, safety requirements, no insurance required—

S 64, pages 29, 360, 1556

Motorized bicycles, distinction between and motorcycles and motordriven cycles, clarified—

S 65, pages 29, 360, 1557

Odometers, tampering with prohibited, recording of mileage reading on title required—

S 519, page 281

Open-top trucks, carrying of certain cargo further regulated—

S 87, pages 33, 563

Operation of, with more than 25% of windshield or windows covered, prohibited—

S 140, pages 42, 361

Persons under 16 operating, further provisions for those in driver education programs—

S 54, pages 27, 177, 827

Physically handicapped, distinctive license plates provided for—

S 63, page 28

Right or left turn on red in certain circumstances authorized—

S 190, pages 50, 117

**MOTOR VEHICLES (Continued)**

Transfer of ownership, report to probate judge required—  
S 425, pages 172, 184, 198, 810, 1666, 1679, 1700, Act 540  
S 565, page 358

Weight, height, width and length of trucks, regulation of by  
municipalities on streets maintained by said municipality—  
S 396, page 166

**MOTORISTS**

Uninsured, section 32-7-23, code of Alabama 1975, amended to expand  
the provisions for—  
S 626, page 551

**MOTORIZED BICYCLES**

Defined as being distinctive from motorcycles and motor-driven cycles—  
S 65, pages 29, 360, 1557

Defined, licensing procedure and fees, safety requirements, no insurance  
required—  
S 64, pages 29, 360, 1556

**MOUNTAIN LAKES ASSOCIATION, ALABAMA**

Appropriation—  
S 1, page 15

**MUNICIPAL ELECTRIC AUTHORITY, ALABAMA**

Created, powers and duties prescribed—  
S 521, page 281

**MUNICIPAL OFFICERS**

Serving as officers or board members of cooperative utilities, prohibition  
against removed—  
S 523, pages 282, 570

**MUNICIPALITIES**

Alcoholic beverages, legislation of sale in, regardless of "wet-dry" status  
of county—  
S 373, pages 148, 361

Authorized to annex territory within corporate limits of, under certain  
circumstances—  
S 310, page 97

Authorized to retain "fair trial tax" for use in defraying cost of providing  
representation for indigents in their courts—  
S 303, pages 74, 956, 1391  
H 184, pages 212, 565, 1659, 1734, Act 617

Car and van pools exempt from regulation by—  
S 152, page 44

Civil service systems for law enforcement officers to include  
firefighters—  
S 361, page 145

Deposit of certain funds in time deposits required—  
S 291, page 72

## MUNICIPALITIES (Continued)

Distribution to, of amounts paid by federal agencies in lieu of ad valorem taxes—

S 759, pages 1000, 1041, 1043, 1120, 1130, 1157, 1829

Home rule provided for, CA—

S 44, pages 24, 178

S 80, page 32

S 90, pages 34, 221

Industrial development boards authorized to locate pollution control facilities within police jurisdiction of another municipality—

S 536, pages 285, 319

Mortgage finance authority created to assist in residential housing in certain—

S 733, page 850

Motor vehicle accidents, investigation by department of public safety required in, with population of less than 2,000—

S 170, pages 47, 227

Offstreet parking facilities, acquisition, operation and leasing of—

S 393, pages 166, 261, 694

H 431, pages 335, 570, 663, 684, Act 96

Physically handicapped, special parking provided for by—

S 62, page 28

Procedures for extending boundaries of which have overlapping police jurisdictions, provided—

S 478, pages 206, 571

Tax revenue from oil and gas production in police jurisdiction of, distribution further provided—

S 217, pages 57, 292

Utility systems, authorized to set fees payable to directors of—

S 732, pages 850, 956, 969

Utility systems, boards of directors of, compensation increased—

S 573, page 540

S 650, page 556

Weight, height, width and length of trucks using streets maintained by municipality, regulation by authorized—

S 396, page 166

## NABORS, JIM

Portion of U.S. highway 280 named for—

H 234, pages 277, 562, 1224, 1720, 1779, Act 655

## NATIONAL GUARD, ALABAMA

Army in Albertville named the "Robert C. Davis armory"—

H 994, pages 1155, 1221, 1343, 1539, Act 522

Army in Opelika named "fort Alfred C. Harrison"—

S 144, pages 43, 225, 989, 1651, 1677, 1699, Act 535

General officers, tenure limited—

S 259, page 65

Leave of absence, benefits to certain individuals limited—

S 318, pages 98, 225, 1167

**NATIONAL GUARD SCHOLARSHIP FUND COMMITTEE**

Established and regulated—  
S 132, pages 40, 560

**NATIONAL REGISTER OF HISTORIC PLACES**

Property in state listed in, public corporations may assist in restoration,  
preservation and improvement of—  
H 557, pages 1152, 1220, 2132, 2138, Act 822

**NON-PROFIT CORPORATION ACT, ALABAMA**

Availability of provisions to corporations provided—  
S 620, page 549

**NORTH ALABAMA EDUCATIONAL OPPORTUNITY CENTER**

Career fair committee, appropriation to—  
S 545, page 307

**NURSING HOMES**

License fee for administrators of increased—  
S 476, page 206

Privilege or license fee levied on, appropriation, incentive reimburse-  
ment program, medicaid eligibility—  
S 14, page 20

**OBSCENE FILM**

Showing or publishing of certain, unlawful—  
S 799, pages 1133, 1218, 1373

**OBSCENE MATTER**

Brought into state and distributed, a misdemeanor, penalties—  
S 558, pages 357, 955, 1558, 1972, 1992, 2143, Act 678

Parents permitting minors to engage in lewd sexual activity in produc-  
tion or display of, guilty of felony—  
S 30, pages 22, 956  
S 72, pages 30, 954  
S 73, pages 30, 954  
S 236, page 61  
S 246, pages 63, 219  
H 11, pages 1112, 1212, 1643, 1721, 1780, Act 592

Showing, selling or displaying of to minors, declared a misdemeanor—  
S 562, pages 358, 955, 1272, 1680, 1702, 2141, Act 652

**OCCUPATIONAL THERAPY**

Licensing and regulation of provided—  
S 358, pages 145, 568, 1539, 1561

**OCCUPATIONAL THERAPY, EXECUTIVE BOARD FOR ALABAMA**

Established, powers and duties provided—  
S 358, pages 145, 568, 1539, 1561

**ODOMETERS**

Motor vehicle, tampering with prohibited, regulated as to title and bill of  
sale, certification required—  
S 519, page 281

**OFFENSE**

Definition of shall include an offense for which the death penalty may be given—

S 550, pages 308, 559, 803, 879

H 10, pages 1104, 1359, 2110, 2135, 2140, Act 770

**OIL AND GAS**

Severance tax on—

S 15, page 20

H 3, pages 1151, 1218, 2134

Tax revenue from production of, distribution further provided—

S 217, pages 57, 292

Unit operation in production of, from lower cretaceous formation, further provided—

S 739, pages 912, 1011, 1069, 1096, 1669, 1701, 2141, Act 724

**OMBUDSMAN FOR DISABLED CITIZENS**

Office of created, powers and duties prescribed, appropriation—

S 512, page 260

**OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968**

Administration of, by law enforcement planning agency, to bring Alabama into compliance with—

H 128, pages 211, 318, 1692, 2107, 2138, Act 820

**OUR LADY OF ANGELS MONASTERY, INC.**

Exempt from sales and use taxes—

S 55, pages 27, 115

**PARDONS AND PAROLES, STATE BOARD OF**

Authorized to charge certain probationers in residential facilities a monthly amount for room and board—

S 525, pages 282, 563

**PARKING**

Legislative control of, on streets adjacent to capitol—

S 529, page 283

H 122, pages 508, 702, 859

Provided for physically handicapped by state, county and municipal agencies—

S 62, page 28

**PARKING FACILITIES**

Alabama building finance authority authorized to issue revenue bonds for construction of—

S 649, pages 556, 953

Offstreet, acquisition, operation and lease of by municipalities authorized—

S 393, pages 166, 261, 694

H 431, pages 335, 570, 663, 684, Act 96

**PARKS**

State, advertising of by bureau of publicity and information authorized—

S 452, pages 189, 264, 320

**PARTICULAR COUNCIL OF MOBILE SOCIETY OF ST. VINCENT DE PAUL**

Exempt from sales and use taxes—

S 327, pages 99, 561

**PATHFINDER, INC., THE**

Exempt from sale and use taxes—

S 19, pages 21, 560

S 40, page 24

**PEACE OFFICERS' ANNUITY AND BENEFIT FUND**

Contributions by members of with thirty years of service discontinued, benefits increased—

S 458, pages 190, 224, 789, 1814, 1896, 2143, Act 673

**PEACE OFFICERS ASSOCIATION**

Advertising by, solicitation regulated—

S 517, page 281

**PENAL FACILITY**

Definition of provided—

S 550, pages 308, 559, 803, 879

H 10, pages 1104, 1359, 2110, 2135, 2140, Act 770

**PENSIONERS**

World war I, exempt from income requirements for benefits under medicaid program—

S 470, pages 192, 219, 804

**PENSIONS AND SECURITY, DEPARTMENT OF**

Child support programs, authorized to operate—

H 1034, pages 1175, 1593

**PERSONNEL BOARD OF, INCREASED—**

S 180, pages 48, 227

**PESTICIDES**

Use of further regulated—

S 350, page 142

S 351, pages 143, 223

**PETROLEUM PRODUCTS**

Boats exempt from inspection fee on—

S 228, pages 60, 155

**PHARMACISTS**

Drugs, allowed to substitute, under certain conditions—

S 46, page 25

S 299, page 73

**PHARMACY, STATE BOARD OF**

Labeling of drugs and prescriptions, standards, rules and regulations established—  
H 356, pages 339, 568

**PHOENIX HOUSE, INC., OF TUSCALOOSA**

Exempt from sales and use taxes—  
S 755, page 962

**PHYSICAL FITNESS, COMMISSION ON**

Abolished, re-created, powers and duties prescribed  
S 136, pages 41, 120, 1370

**PHYSICALLY HANDICAPPED**

Accessibility of public buildings, appropriation to match federal funds to meet requirements for—  
S 394, page 166

Appointment of curator to manage property of—  
S 6, pages 18, 117  
S 7, pages 18, 117, 1818

Distinctive license plates for motor vehicles of—  
S 63, page 28  
S 513, page 260

Rights of, further provided—  
S 639, page 553

Special parking provided for by state, county and municipal agencies—  
S 62, page 28

**PHYSICIANS**

Acupuncture or auriculotherapy, practice of permitted—  
S 617, page 548

Choice of, under workmen's compensation, provided—  
S 163, pages 45, 658, 1383

Controlled substances, prohibited from prescribing or dispensing for other than legitimate medical purposes—  
S 516, pages 280, 568

Death, definition of, in cases where respiratory and cardiac functions are maintained artificially—  
S 305, pages 74, 177  
H 9, pages 952, 1212

Family, joint advisory board of family practice created to further supply of—  
S 225, pages 59, 221

Issuance of limited certificates to practice medicine without examination, if enrolled in residency training programs—  
S 314, pages 97, 222, 941, 1652, 1677, 1700, Act 536  
H 294, pages 1106, 1213



## PHYSICIANS (Continued)

Report to state health officer of cases of juvenile diabetes required—  
S 398, page 167

## PIKE COUNTY

County engineer exempt from being qualified land surveyor—  
H 16, pages 174, 262, 332, 346, Act 18

## PISTOLS

Carrying of by honorably retired law enforcement officers authorized—  
S 460, pages 191, 225

## POLICEMAN'S SURVIVOR TUITION ACT

Designated—  
S 211, pages 56, 113, 248

## POLICEMEN AND FIREMEN

Protected by "good Samaritan law"—  
S 643, pages 555, 657

## POLITICAL ACTIVITIES

Employees of county and city may participate in—  
S 608, pages 547, 955, 1363, 1559, 1806, 1961, 2092, 2132, 2141,  
2144, Act 819

## POLITICAL PARTIES

Delegates to national conventions of, method of selection provided—  
S 107, pages 36, 179, 1318, 1965, 1992, 2143, Act 691

## POLITICAL SUBDIVISIONS

Elections on local constitutional amendments to be held in affected  
counties only, CA—  
S 4, pages 18, 179, 1360  
S 88, pages 33

## POLL LISTS

Publication of, prior to primary election, date changed—  
S 568, pages 359, 709, 822, 823  
H 854, pages 802, 860, 1100, 1159, 1177, 1182, Act 380

## POLLUTION CONTROL

Location of facilities for, by municipal industrial development boards  
within the police jurisdiction of another municipality, authorized  
under certain circumstances—  
S 536, pages 285, 319

## POOLE, HON. VICTOR

Building at Shelton state technical college named for—  
H 384, pages 277, 321, 1344, 1538, Act 518

Portion of Alabama highway 69 named for—  
H 891, pages 803, 1580

**PORNOGRAPHY**

Obscene movies, showing or publication of certain, unlawful—  
S 799, pages 1133, 1218, 1373

Persons producing, possessing or distributing obscene matter involving minors, guilty of felony—  
S 30, pages 22, 956  
S 72, pages 30, 954  
S 73, pages 30, 954  
S 236, page 61  
S 246, pages 63, 219  
H 11, pages 1112, 1212, 1643, 1721, 1780, Act 592

Showing, selling or displaying of to minors declared a misdemeanor—  
S 562, pages 358, 955, 1272, 1680, 1702, 2141, Act 652

**PRESIDENTIAL PREFERENCE PRIMARIES**

Elections authorized, procedures, delegates, duties—  
S 107, pages 36, 179, 1318, 1965, 1962, 2143, Act 691

**PRE-TRIAL DIVERSIONARY PROGRAM**

Fifteenth judicial circuit, authorized under supervision of district attorney—  
S 331, pages 100, 229, 322—  
H 1044, pages 1105, 1580, 1691, 1738, Act 716

**PRINCIPALS**

Public school, required to be full-time after September 1, 1980 and may not be scheduled to teach more than one period per day—  
S 436, pages 186, 567

**PRINTING**

Acts of legislature, further regulated—  
S 29, pages 22, 226

State agencies, preparation and publication of reports further regulated—  
S 60, pages 28, 225

**PRISONERS**

Certain minimum security risk, repayment of damages incurred by victims of, through employment opportunities at restitution centers, provided—  
S 106, pages 36, 178

County, participation in work-release program, requirements prescribed—  
S 563, page 358

Released due to good time credit, supervision required—  
S 97, page 35  
S 158, page 45  
S 634, page 552  
S 635, page 552

State, removed from county work-release programs—  
S 563, page 358

**PRISONS**

Certain land in Elmore county, conveyance of to Alabama corrections institution finance authority, proceeds from sale to be used to construct—

S 12, pages 19, 226, 801

**PRIVACY**

Computer, for all citizens provided—

S 117, pages 38, 296

**PROBATE COURTS**

Appointment of curator by, to manage property of mentally or physically handicapped persons—

S 6, pages 18, 117

S 7, pages 18, 117, 818

**PROBATE JUDGES**

Expense allowance, additional, when paid on salary basis—

S 509, pages 259, 293, 928, 932, 940, 947

Fees to for motor vehicle licenses increased—

S 555, page 309

H 87, pages 342, 656, 1639, 1712, Act 598

**PROBATIONERS AND PAROLEES**

Pardon and parole board authorized to charge for room and board if residents of community residential facility—

S 525, pages 282, 563

**PRODUCTS LIABILITY**

Certain defenses of manufacturers and sellers in actions of established—

S 377, page 148

S 431, page 173

**PROPERTY**

Appointment of curator to manage, for mentally or physically handicapped persons—

S 6, pages 18, 117

S 7, pages 18, 117, 818

Listed in national register of historic places, public corporations established to assist in restoration, preservation and improvement of—

H 557, pages 1152, 1220, 2132, 2138, Act 822

Notice required to affected owners of, by utility companies applying for certificates of convenience and necessity—

S 21, pages 21, 118, 514, 1697, 1703, 2142, Act 847

Tangible, personal, tax on leasing or renting of, exemptions from computation of further provided—

S 229, pages 60, 319

Taxable, determination of value further provided—

H 402, pages 537, 656, 783, 805, 1165

**PROPERTY (Continued)**

Taxable, ratio of assessed value to fair market value in certain counties adjusted—

H 401, pages 537, 655, 778, 805, 1164

Tax-exempt, tax assessor required to assess and make summary of—  
S 524, page 282

**PSYCHOLOGISTS**

Registration and application fees for, further provided—  
S 185, pages 49, 221

Service of, included in group, hospital or medical insurance policies—  
S 109, pages 37, 320

**PUBLIC ACCOUNTANTS**

Registration of persons as, who have degrees in accounting, further provided—  
S 570, pages 359, 917

**PUBLIC AGENCIES**

Distribution to, of amounts paid by federal agencies in lieu of ad valorem taxes—  
S 759, pages 1000, 1041, 1043, 1120, 1130, 1157, 1829

**PUBLIC BOARDS AND AGENCIES**

Education, continuing legal, of representing attorneys provided for—  
S 122, page 39

**PUBLIC BUILDINGS**

Lighting efficiency standards for, provided—  
S 312, pages 97, 660

**PUBLIC DEFENDER**

Twenty-fifth judicial circuit, office created—  
H 1059, pages 1077, 1358, 1633, 1741, Act 720

**PUBLIC EMPLOYEES**

County or city, may participate in political activities—  
S 608, pages 547, 955, 1363, 1559, 1806, 1961, 2092, 2132, 2141, 2144, Act 819

**PUBLIC EMPLOYEES' INSURANCE BOARD**

Created, powers and duties prescribed, appropriation—  
S 82, pages 32, 224, 231

**PUBLIC HEALTH, DEPARTMENT OF**

Appropriation—  
S 261, page 66  
S 297, page 73  
H 170, pages 174, 859, 914, 919, 975, 1671, 1676, 1967, 1987, Act 593

**PUBLIC LIBRARY SERVICE, ALABAMA**

Limitations removed on expenditure of monies appropriated to—  
S 11, pages 19, 112, 244, 1807, 1895, 2143, Act 664

Name changed to Alabama state library—  
S 13, pages 20, 226  
S 48, pages 26, 321, 1530

**PUBLIC LIBRARY SERVICE, ALABAMA**

Purchase of 1975 code of Alabama for each library authorized, appropriation—  
S 548, pages 307, 658

**PUBLIC OFFICIALS**

County or state, convicted of crime, to forfeit rights to retirement benefits—  
S 28, pages 22, 116

Dual office holding by, disqualification of, and method of compensation of, further provided, CA—  
S 272, page 68

Legislature authorized to establish procedure for recall of public officers, CA—  
S 168, page 46

Procedure for recall of elective, provided—  
S 167, page 46

**PUBLIC RECORDS**

Medical and vital statistics, excluded from public inspection—  
S 477, page 206

**PUBLIC SAFETY, DEPARTMENT OF**

Accidents in police jurisdiction of towns of 2,000 population or less, required to investigate—  
S 170, pages 47, 227

Appropriation—  
S 499, pages 258, 559

Director of, may designate counties where examinations for driver licenses are to be held—  
S 498, page 258  
H 327, pages 853, 1584, 1590, 2127, 2138, Act 773

Director of, required to mail notice of expiration and application for renewal of driver licenses—  
S 171, pages 47, 226, 1557

Director of, reserve state trooper force established under direction of—  
S 430, pages 173, 573, 940

**PUBLIC SAFETY, DEPARTMENT OF**

Duties and powers, rules of the road act—  
S 101, pages 35, 178

## PUBLIC SAFETY, DEPARTMENT OF (Continued)

Products and services provided at cost to requesting parties—  
S 112, pages 37, 564, 1321

Responsibilities, certain, relating to regulation of vehicles with oversize loads transferred from highway department to—  
S 169, pages 46, 112, 240, 1676, 1692, 2088, 2128, 2144, Act 837

Security provided by, for former governors who sustain injury from criminal act—  
S 100, page 35  
H 54, pages 193, 225, 2021, 2108, 2129, Act 589

## PUBLIC SCHOOL AND COLLEGE AUTHORITY, ALABAMA

Issuance of bonds by authorized—  
S 205, pages 53, 114, 250, 269, 302, 342, 344, 350, 363, 540  
S 422, page 171  
S 488, page 208  
H 450, page 530

## PUBLIC SERVICE COMMISSION

Abrogation of certain powers, duties and authorities to commissioner of utilities provided—  
S 84, page 32  
S 479, pages 207, 262, 523, 527, 536, 538, 665

Appeals from actions of, to be taken to supreme court—  
S 26, pages 22, 120, 519, 1716, 1744, 2142, Act 851

Applicants for certificates of convenience and necessity from, to notify owners of affected property—  
S 21, pages 21, 118, 514, 1697, 1703, 2142, Act 847

Appropriation—  
S 641, page 554

Car pools and van pools exempt from regulation by—  
S 152, page 44

Compensation of president and members increased—  
S 411, pages 169, 265  
S 528, pages 283, 319

Electric utilities regulated by, energy cost adjustment abolished—  
S 33, page 23

Enforcement division, pay increases provided for certain members of, appropriation—  
S 116, pages 38, 113, 248

Estimated bills, enforcement of provision requiring word "estimated" on face of, provided by—  
S 148, page 43

Judicial review of proceedings on appeal from orders of, provided—  
H 509, pages 1324, 1366

Public utilities required to furnish matching funds to, for attorney's fees in rate cases—  
S 34, page 23

## PUBLIC SERVICE COMMISSION (Continued)

Railroad employees, guaranteed certain safety precautions—  
S 304, page 74

Telephone companies prohibited from receiving automatic increase in net return as a result of increase ordered by, to south central bell in net return—  
S 24, pages 21, 119, 518, 1715, 1743, 2142, Act 817

Utility companies regulated by, procedure under which any fuel clause, rate or rider may be increased—  
S 27, pages 22, 120, 523  
H 510, pages 1324, 1366

Waterworks systems removed from regulation by—  
S 590, page 544

## PUBLIC UTILITIES

Alabama municipal electric authority created and empowered to construct and operate generation, transmission and distribution projects—  
S 521, page 281

Appeals from actions of public service commission to be taken to supreme court—  
S 26, pages 22, 120, 519, 1716, 1744, 2142, Act 851

Competitive bidding required on contracts and equipment of—  
S 25, pages 22, 119, 522  
S 146, page 43

Cooperative, prohibition against municipal officers serving as officers of board members removed—  
S 523, pages 282, 570

Energy cost adjustment abolished—  
S 33, page 23

Explosives, persons using or excavating near facilities of, required to notify—  
S 544, page 307

Gas and electric, estimated bills of shall bear the word "estimated" on face—  
S 148, page 43

Gas and electric, installation of meters showing consumption in dollars and cents provided—  
S 150, page 44

Municipal, compensation of boards of directors of—  
S 573, page 540  
S 650, page 556

Municipal, directors of, municipalities authorized to set and establish fees payable to—  
S 732, pages 850, 956, 969

## PUBLIC UTILITIES (Continued)

Notice to owners of affected lands required by, when application for certificate of convenience and necessity is made—  
S 21, pages 21, 118, 514, 1697, 1703, 2142, Act 847

Office of commissioner of, created to further regulate—  
S 84, page 32  
S 479, pages 207, 262, 523, 527, 536, 538, 665

Officers, directors and employees of, prohibited from engaging in certain business transactions with—  
S 147, page 43

Procedure under which any fuel clause, rate or rider may be increased—  
S 27, page 22, 120, 523  
H 510, pages 1324, 1366

Property of, reasonable value to be used as rate base defined—  
S 22, pages 21, 119, 516, 1715, 1743, 2142, Act 850

Refund of excessive rates to customers required—  
S 23, pages 21, 119, 518  
H 511, pages 1324, 1366

Required to furnish matching funds to public service commission for attorney's fees—  
S 34, page 23

Sale of service at less than cost of production prohibited—  
S 149, page 44

Telephone companies prohibited from receiving automatic increase in net return as result of increase to south central bell in net return—  
S 24, pages 21, 119, 518, 1715, 1743, 2142, Act 817

## PUBLIC WORKS

Contracts, alternate escrow procedure authorized for payments to contractors on—  
S 371, pages 147, 180, 940, 1894, 1992, 2143, Act 834

Contracts, minimum wages repealed—  
S 584, page 543—  
S 666, pages 598, 917

## PUBLICITY AND INFORMATION, BUREAU OF

Advertising of state parks by authorized—  
S 452, pages 189, 264, 320

## PURCHASING

Centralized, of certain equipment based on life cycle costs and energy considerations, provided—  
S 153, page 44

## RABBITS

Domestically raised, slaughter, inspection or processing for human consumption authorized—  
H 375, pages 213, 658, 1685, 1722, 1780, Act 656



**RAILROADS**

Employees of, public service commission to enforce safety regulations for—  
S 304, page 74

Locomotives, operation of in forward position from right hand side when leaving terminal required—  
S 385, page 150

**RANDOLPH COUNTY**

Board of education, appropriation to for burned-out school—  
S 490, pages 209, 262, 798, 1652, 1678, 1700, Act 542

**RATE BASE**

Reasonable value of property to be used as, in utility rates, defined—  
S 22, pages 21, 119, 516, 1715, 1743, 2142, Act 850

**REAL ESTATE**

Brokers, if judgment is entered against, payment of within 60 days required or license suspended—  
S 569, pages 359, 569

Brokers, salesmen and transactions of, further regulated—  
H 13, pages 212, 569, 1650, 1667, 1720, 1779, Act 654

Descent and distribution of, order of succession changed for intestates—  
S 290, page 72

Land surveys, division of, recording fees to be paid to state treasurer for benefit of—  
S 652, pages 596, 953, 1392

**REAL ESTATE RECOVERY FUND**

Established, powers and purposes defined—  
S 553, pages 308, 656, 1197

**REAPPRAISAL PROGRAM**

Certain costs of, chargeable to county and city boards of education—  
S 557, page 309

Implementation and collection of ad valorem taxes pursuant to, required to be effective on a uniform date throughout state—  
S 196, pages 51, 112, 239

Statewide, property value and ownership maps to be maintained in each county after—  
S 365, pages 146, 319

**RECALL**

Of elective public officials, procedure for provided—  
S 167, page 46

**REGISTER OF LANDMARKS AND HERITAGE, ALABAMA**

Established—  
S 492, pages 209, 660, 1114

**REGISTERS**

Circuit court, salaries of limited—  
S 435, pages 186, 564

**REGISTRARS, BOARDS OF**

Further regulated, powers and duties further defined—  
S 378, pages 148, 179  
H 426, pages 1110, 1217, 1360, 1649, 1741, Act 584

**REGISTRATION OF SOIL CLASSIFIERS**

Created, powers and duties defined—  
S 389, pages 151, 224, 1372

**REGULATORY AUTHORITY**

State, limited, CA—  
S 138, page 41

**RESOURCE RECOVERY BOARDS**

County and municipal, authorized, powers and duties perscribed—  
S 592, page 544

**RESTITUTION CENTERS**

Creation of provided—  
S 106, pages 36, 178

**RETARDED PERSONS**

Bill of rights for, provided—  
S 571, page 359

**RETIREMENT BENEFITS**

Public officials convicted of crime to forfeit rights to—  
S 28, pages 22, 116

**RETIREMENT PENSIONS**

Former governors, certain, provided for—  
S 52, pages 26, 115

**RETIREMENT PLANS**

Income tax deduction for contributions to certain individual plans, provided—  
S 212, pages 56, 318  
S 289, page 71

Increased benefits under prohibited unless increased funding has been provided, CA—  
S 546, pages 307, 656, 939, 963

**RETIREMENT SYSTEMS**

Judges, district and circuit, retirement benefits to be paid exclusively from state funds—  
S 75, page 31

Judicial, benefits based on judge's final salary at time of retirement—  
S 74, pages 31, 564

**RETIREMENT SYSTEMS (Continued)**

Single, for all public officers and employees, CA—

S 760, pages 1000, 1044, 1257, 1274, 1309, 1827, 2106, 2127, 2129, 2132

**RETIREMENT SYSTEMS OF ALABAMA**

Boards of control of, statutory notice of practices, rules and regulations of provided, remedy of certain inequities of laws—

S 231, page 60

Cost-of-living increases for persons retired under teachers' or employees'—

S 133, page 41

S 137, page 41

H 119, pages 309, 559, 1006, 1097, 1099, 1159, 1649, 1711, Act 599

Purchases and payment of expenses, competitive bid restriction removed—

S 702, pages 708, 954

**REVENUE, COMMISSIONER OF**

Authorized to levy and conduct judicial sales—

S 680, page 704

May enter into agreements with other states or foreign countries for registration of vehicles on apportionment basis—

S 279, pages 69, 112, 239, 1669, 1702, 2141, Act 848

**REVENUE, DEPARTMENT OF**

Churches and non-profit organizations required to report certain income to—

S 292, page 72

Deposit of tax collections in banks to credit of state treasurer required—

S 198, pages 51, 113, 249, 826

Motor vehicle license tags, temporary, design, issue and regulation authorized—

S 587, page 543

**REVIEW BOARD**

Created to review dismissals of certain non-professional employees of public educational institutions, powers and duties provided—

S 359, pages 145, 260, 590, 628, 641, 642, 643, 664, 691, 693, 702, 733

**RIGHTS-OF-WAY**

Highway, cutting or destruction of trees upon further regulated—

S 287, page 71

S 415, page 169

S 416, page 170

**ROADS AND BRIDGES**

Counties exempt from liability arising from defects in construction or maintenance of—

S 363, page 146

S 560, page 357

**ROADS AND BRIDGES (Continued)**

I-65 bridge over Mobile river to be named the "general W. K. Wilson, jr., bridge"—

S 37, pages 24, 24, 154, 965, 1807, 1895, 2143, Act 665

**RULES AND REGULATIONS**

State agencies required to promulgate and publish—

S 437, pages 186, 660

State agency, board, commission or department, public notice and hearing in community affected by, required—

S 134, pages 41, 224

**RULES OF THE ROAD ACT, ALABAMA**

Highway and traffic safety further regulated—

S 101, pages 35, 178

**RUSSELL COUNTY**

Engineer, county, exempt from requirement of land surveyor—

S 664, page 598

**SAFETY, PUBLIC**

Boats, passengers in required to wear flotation devices—

S 322, pages 99, 320

Highway and traffic, rules relating to, provided—

S 101, pages 35, 178

Motor vehicles, operation of with more than 25% of windshield or windows covered, prohibited—

S 140, pages 42, 361

Motorized bicycles, rules of the road and safety requirements for—

S 64, pages 29, 360, 1556

**SALES**

Judicial, commission of revenue authorized to levy and conduct—

S 680, page 704

**SALES TRANSACTIONS**

Records of, required to be kept by state agencies and funds returned to appropriate fund—

S 56, pages 27, 113, 245

**SCHOLARSHIPS**

American legion auxiliary, number of increased—

S 248, pages 64, 111, 163, 1981, 1992, 2143, Act 676

**SCHOOL ADMINISTRATION AND SUPERVISION, ALABAMA COUNCIL FOR**

Employees and officers of, eligible to participate in teachers retirement system—

S 302, pages 74, 566

H 143, pages 836, 953, 1643, 1680, 2128

**SCHOOL BOARDS**

- City, authority of clarified and broadened—  
S 439, pages 187, 567
- County, authority of clarified and broadened—  
S 440, pages 187, 567
- Local, establishment of standards of proficiency by—  
S 81, pages 32, 32, 196

**SCHOOL BUS DRIVERS**

- Boards of education required to furnish liability insurance for—  
S 295, pages 72, 566
- Eyesight examination required annually—  
S 251, page 65
- Training and licensing of provided—  
S 242, page 62  
H 139, pages 952, 1010

**SCHOOL SYSTEMS**

- Employees of and state department of education, if injured on-the-job, may continue to draw full salary for two years (less workmen's compensation benefits)—  
S 446, page 188  
S 534, page 284

**SCHOOLS**

- Boards of education authorized to establish minimum distance from, students to qualify for public transportation—  
S 42, pages 24, 565
- Libraries, additional appropriation for—  
H 137, pages 680, 952, 1650, 1680, 1816, 1829, 2105, 2131, 2139, Act 771
- Period of silent meditation in provided—  
S 556, pages 309, 562, 1186, 1774, 1810, 2142, Act 662
- Principals required to be full-time after September 1, 1980—  
S 436, pages 186, 567
- Rights of professional employees and boards of control of established—  
S 467, pages 192, 565

**SECRET SESSIONS**

- Of governing bodies, boards and commissions, prohibited—  
S 96, page 35

**SECRETARIES, CERTIFIED PROFESSIONAL**

- State employees qualifying as, eligible for pay increase—  
S 280, page 70  
S 375, page 148

**SECURITIES ACT OF ALABAMA**

- Fraud provisions, penalties increased—  
S 504, page 258

**SECURITIES COMMISSION, ALABAMA**

Function and duties of in relation to industrial revenue bonds—  
S 223, pages 59, 227, 1188, 1708, 1744, 2142, Act 586

Registration statement required prior to takeover offers for corporations—  
S 284, pages 70, 361, 1317

**SEED**

Sale of further regulated—  
S 368, pages 147, 223

**SEED INVESTIGATION AND ARBITRATION COMMITTEE**

Established, powers and duties defined—  
S 368, pages 147, 223

**SENATE**

Executive appointments, confirmation by within five legislative days—  
S 51, pages 26, 226

Governor's appointments to cabinet, confirmation by required—  
S 114, pages 38, 226

**SENIOR CITIZENS**

Exempt from certain fees in state parks—  
S 611, pages 547, 599

**SENTENCES**

Alternative, of convicted offenders—  
S 266, pages 67, 117, 587

Judges' history, maintenance of records provided—  
S 145, page 43

**SERVICE, DIVISION OF**

Department of finance, law enforcement officers of, included in subsistence allowance act—  
S 57, pages 27, 114, 249

**SERVICEMEN**

Deceased, dependents and survivors of, educational benefits further provided—  
S 160, pages 45, 292, 942, 947, 1680, 1702, 2140, 2141, Act 585

**SEWELL-THOMAS FIELD**

University of Alabama baseball field named—  
S 559, page 357

**SHELTON STATE TECHNICAL COLLEGE**

Building named "Victor Poole learning resources center"—  
H 384, pages 277, 321, 1344, 1538, Act 518

**SHERIFFS**

Compensation of further provided—  
S 367, pages 147, 218, 788, 790, 1656, 1679, 1700, Act 538

**SHERIFFS (Continued)**

Disposition of fees and other monies heretofore collectible for use of,  
provided—

H 443, pages 1111, 1345, 1683, 1739, Act 619

Reserve deputy, authority to make arrest provided—

S 685, pages 705, 956, 1367, 1561

Supernumerary appointment of provided—

S 376, pages 148, 261, 832

**SHIPS AND VESSELS**

Provisions restricting sales tax exemption to those constructed in state  
deleted—

S 532, page 284

**SHRINE MOTORCYCLE CLUB—**

Distinctive license plates for, provided—

S 721, page 847

**SICK LEAVE**

Beneficiary of state employee entitled to half of accrued, upon death of  
employee—

S 482, page 207

Retiring educators entitled to fifty days at rate of regular pay—

S 445, pages 188, 261

S 481, page 207

**SILENT MEDITATION**

Period of in public schools provided—

S 556, pages 309, 562, 1186, 1774, 1810, 2142, Act 662

**SKILL OLYMPICS, 1978 ALABAMA**

Appropriation—

S 406, pages 168, 217, 556, 2010, 2818, 2144, Act 836

**SMALL AND MINORITY BUSINESS ENTERPRISE, DEPARTMENT OF**

Appropriation—

S 522, pages 282, 559, 799

**SMALL CLAIMS**

Amount of controversy involved in action of increased—

S 388, page 151

**SMALL LOAN ACT, ALABAMA**

Amended to further regulate examination fees and per diem allowances  
of examiners—

S 421, page 171

**SMITH'S WATER AUTHORITY**

Taxes, utility gross receipts, exempt from—

S 113, pages 37, 111, 162, 1652, 1677, 1699, Act 534

**SMOKING**

Restricted in certain places—  
S 191, page 50

**SOCIAL SECURITY ACT**

Department of pensions and security authorized to operate child support programs to conform with—  
H 1034, pages 1175, 1593

**SOCIAL WORK EXAMINERS, STATE BOARD OF**

Appropriation—  
S 564, pages 358, 860  
H 480, pages 1575, 1586, 2109, 2138, Act 765

**SOIL CLASSIFICATION**

Practice of regulated, state board of registration of soil classifiers established—  
S 389, pages 151, 224, 1372

**SOLAR ENERGY**

Improvements to real estate by installation of facilities for, exempt from ad valorem taxes—  
S 485, page 208  
Tax credit given for installation of—  
S 8, pages 19, 115  
S 294, page 72

**SOLICITATION**

By charitable organizations regulated—  
S 542, page 306

**SOLICITOR'S FUNDS**

Thirty-fifth judicial circuit, presiding judge authorized to withdraw from—  
S 677, pages 654, 863, 966, 1288, 1320, 1699, Act 509  
S 682, pages 704, 863, 966

**SOLID WASTE**

Collection and disposal of, jurisdiction of local governments—  
S 210, pages 56, 222

**SOUTHERN UNION STATE JUNIOR COLLEGE**

Building named for mr. A.R. Van Cleave—  
S 282, pages 70, 226, 1359, 1782, 1896, 2143, Act 671  
H 351, pages 337, 1584, 1593  
"Tom Brazeal auditorium" named—  
S 71, pages 30, 226, 695, 1782, 1895, 2143, Act 666  
H 352, pages 337, 1584, 1593

**SOUTHWEST ALABAMA INDIAN AFFAIRS COMMISSION**

Created, duties, membership and compensation provided, appropriation—  
S 496, pages 210, 293, 1373, 1897, 1992, 2143, Act 677



## SPECIAL EDUCATIONAL TRUST FUND

Appropriation for public education and debt service—  
H 245, pages 944, 1218, 1650, 1830, 1897, 1993

Reallocation of certain monies to general fund provided—  
S 238, page 61

## SPORTS HALL OF FAME

Appropriation—  
S 235, pages 61, 260, 1174, 1814, 1896, 2143, Act 668

Authority of further defined—  
S 234, pages 61, 225, 1173, 1814, 1896, 2143, Act 667

## ST. CLAIR COUNTY

Board of education, appropriation for school in Moody—  
S 131, page 40

## STANDARDS, NATIONAL BUREAU OF

Procedure for testing, weighing and measuring devices as prescribed  
by—  
S 369, pages 147, 223

## STATE AGENCIES

Administrative procedures for provided—  
S 437, pages 186, 660

Barter system, prohibited from using, records of sales transactions re-  
quired—  
S 56, pages 27, 113, 245

Executive department reorganized—  
S 2, page 15  
S 206, page 53

Executive or secret sessions forbidden—  
S 9, pages 19, 227

Physically handicapped, special parking provided for by—  
S 62, page 28

Preparation and publication of reports further regulated—  
S 60, pages 28, 225

Public notice and hearings required in communities affected by proposed  
rules or regulations—  
S 134, pages 41, 224

Review of under sunset act further provided—  
S 489, pages 209, 319

## STATE OF ALABAMA

Executive department of reorganized—  
S 2, page 15  
S 206, page 53

Suits against, authorized under certain conditions, CA—  
S 270, page 67

## STATE DOCKS BULK HANDLING FACILITY TRUST FUND

Proceeds from coal severance tax deposited to the credit of—  
S 18, page 20

## STATE EMPLOYEES

Annual and sick leave benefits further regulated—  
S 756, pages 999, 1344, 1595

Beneficiary of entitled to half of accrued sick leave upon death—  
S 482, page 207

Certain retired, employed by governmental or public agencies, allowable earnings further provided—  
S 230, pages 60, 221

Certain, salary increases for, appropriation—  
S 601, pages 545, 657, 1316, 1978, 1993, 2143, Act 679  
H 171, pages 1327, 1586, 1805, 1817, Act 728

Certified professional secretaries, those qualifying as, eligible for pay increase—  
S 280, page 70  
S 375, page 148

Employees' retirement system reopened for prior service for certain—  
S 307, pages 75, 218

Insurance, liability, provided by state for those required to drive—  
S 115, pages 38, 38, 320, 1369

Paid leave for time spent in Olympic competition—  
H 182, page 298

Salary increases for certain—  
S 91, pages 34, 206

## STATE FUNDS

Committee created to supervise investment of—  
S 200, pages 52, 116, 820, 1177

Deposits and investments of, further provided—  
S 108, page 37

## STATE GOVERNMENT

Executive department reorganized—  
S 2, page 15  
S 206, page 53

Financing of, reallocation of certain monies from special educational trust fund to general fund provided—  
S 238, page 61

Legislative, executive, and judicial departments, powers of further defined, CA—  
S 300, page 73

## STATE PARKS

Advertising of, by bureau of publicity and information, authorized—  
S 452, pages 189, 264, 320

**STATE PARKS (Continued)**

Persons sixty-five years of age or over exempt from payment of certain fees in—

S 611, pages 547, 599

**STATE TREASURER**

Financial disclosure by, and by immediate family, required under certain conditions—

S 67, pages 29, 120, 1187

**STATUTE OF LIMITATIONS**

For actions for damages from defective products established—

S 218, page 58

S 222, page 58

S 500, pages 258, 862, 1364

**STUDENT GRANT PROGRAM, ALABAMA**

Established to provide state grants to certain students in postsecondary institutions—

S 239, pages 62, 176

H 88, pages 509, 558

**STUDENT LOAN PROGRAM**

Guaranteed, established to assist students in obtaining loans for educational purposes—

S 405, pages 168, 292, 1392

**SUBDIVISIONS**

County commissions authorized to regulate outside corporate limits of municipalities (Jefferson county excepted)—

S 276, pages 69, 228

Development of, civil engineer's percolation tests acceptable for—

S 434, page 186

Lots of three acres or more not subject to rules and regulations of state board of health under certain circumstances—

H 484, pages 1174, 1586, 2133, 2138, Act 776

**SUBPOENA POWERS**

Ethics commission, state, provided with—

S 99, page 35

S 267, pages 67, 117, 589

**SUFFRAGE AND ELECTIONS**

Voting age fixed at eighteen, CA—

S 273, page 68

**SUNFLOWER SCHOOL**

Taxes, sales and use, exempt from—

S 201, pages 52, 112, 239

**SUNSET ACT**

Extensively revised—

S 489, pages 209, 319

**SUPERNUMERARY DISTRICT ATTORNEYS**

Salaries, tenure and removal of—  
S 78, page 31

**SUPERNUMERARY OFFICIALS**

Qualifications further provided—  
S 669, page 653

**SUPERNUMERARY SHERIFFS**

Appointment of in various counties of state provided—  
S 376, pages 148, 261, 832

**SUPERNUMERARY TAX OFFICIALS**

Tax assessors and tax collectors, qualifications further provided—  
S 785, page 1006

**SUPREME COURT**

Appeals from actions of public service commission to be taken to—  
S 26, pages 22, 120, 519, 1716, 1744, 2142, Act 851

Chief justice and associate justices of, compensation—  
S 450, page 189

Compensation of justices of—  
S 693, page 706

**SURFACE MINING RECLAMATION ACT OF 1975, ALABAMA**

Amended to qualify surface mining reclamation commission to receive  
certain federal grants—  
S 692, pages 706, 917, 1187

**SURFACE MINING RECLAMATION COMMISSION, ALABAMA**

Authority to administer Federal initial regulatory program granted—  
S 692, pages 706, 917, 1187

**SWINE DISEASES**

Appropriation for eradication and control of—  
H 269, pages 244, 859

**TALLADEGA COLLEGE**

Appropriation—  
S 400, page 167  
H 451, pages 689, 1219, 1651, 2022, 2109, Act 760

**TAX ASSESSORS**

Assessment and summary of tax-exempt property by, required—  
S 524, page 282

**TAX ASSESSORS AND COLLECTORS**

Supernumerary, authorized in all counties, qualifications further provided—  
S 785, page 1006

## TAX RETURNS

Federal, information used in administration of Alabama revenue laws, safeguarding provided—  
S 203, pages 52, 113, 247, 1826, 1992, 2143, Act 675

## TAXES

Ad valorem, amounts paid by Federal agencies in lieu of, distribution of—  
S 759, pages 1000, 1041, 1043, 1120, 1130, 1157, 1829

Ad valorem, assessment of property and levying of tax further provided, CA—  
H 400, pages 536, 655, 723, 771, 805, 986, 1009, 1043, 1165, 1829

Ad valorem, credit allowed in certain counties for increases due to early completion of reappraisal—  
H 401, pages 537, 655, 778, 805, 1164

Ad valorem, determination of value of taxable property for assessment of, further provided—  
H 402, pages 537, 656, 783, 805, 1165

Ad valorem, farm machinery exempt from—  
S 538, pages 285, 320

Ad valorem, homestead exemption increased—  
H 403, pages 537, 656, 786, 805, 1166

Ad valorem, implementation and collection of, pursuant to statewide property reappraisal program, to be effective on a uniform date throughout state—  
S 196, pages 51, 112, 239

Ad valorem, improvements to provide solar energy exempt from—  
S 485, page 208

Ad valorem, land used to produce food, feed, or cotton, exempt from—  
S 706, pages 769, 1045

Ad valorem, "lid" placed on increases of, CA—  
H 400, pages 536, 655, 723, 771, 805, 986, 1009, 1043, 1165, 1829

Ad valorem, loyal order of moose exempt from—  
S 104, pages 36, 560  
S 335, pages 100, 561, 1311, 1807, 1896, 2143, Act 672

Ad valorem, Montgomery county, ratio of assessed value to fair and reasonable market value lowered—  
S 39, page 24

Additional, levied on fire insurance policies—  
H 44, page 1575

Alcoholic beverages, additional, to be used for rehabilitation of alcoholics—  
S 20, page 21

Domestic corporation franchise—  
S 17, page 20

## TAXES (Continued)

- Excise on gas, counties and cities exempt from payment of—  
S 315, page 98
- Excise, on motor fuel, disposition of proceeds—  
S 455, pages 190, 561, 1173  
H 334, pages 1109, 1219, 1681, 1738, Act 581
- Financial institution excise, imposition and collection of upon parent corporation of registered bank holding companies provided—  
S 357, pages 144, 197  
H 342, pages 1108, 1213, 1669, 1735, Act 840
- Foreign corporation franchise—  
S 16, page 20
- Funds from collection of, to be deposited in banks to credit of state treasurer by revenue department—  
S 198, pages 51, 113, 249, 826
- Gross receipts, on collegiate athletic contests, distribution further provided—  
S 705, page 768
- Highway gasoline, distribution of proceeds—  
S 454, pages 189, 561, 1173  
H 335, pages 1109, 1219, 1682, 1738, Act 582
- Income, blind taxpayer or spouse, additional exemption provided—  
S 745, page 913
- Income, credit given for installation of solar energy—  
S 8, pages 19, 115  
S 294, page 72
- Income, deduction for child care expenses when both parents are employed—  
S 293, page 72
- Income, deduction for individual retirement accounts provided—  
S 212, pages 56, 318  
S 289, page 71
- Income, military retirement benefits exempt from—  
S 105, page 36  
S 179, pages 48, 111, 163, 184, 203, 234, 248, 695
- Income, retirement benefits from Tennessee valley authority exempt from—  
S 121, page 39
- License, automobile and registration fees, members of armed forces, exemption from removed—  
S 786, page 1006
- Motor vehicle license and registration fees, distribution of proceeds—  
S 456, pages 190, 562, 1185  
H 332, pages 1108, 1219, 1681, 1737, Act 579
- Privilege, for leasing or renting personal property, exemptions from computation of further provided—  
S 229, pages 60, 319

## TAXES (Continued)

- Sales and use, Allen memorial home, inc., exempt from—  
S 326, pages 99, 560
- Sales and use, ambulance services inc. of Gadsden exempt from—  
S 648, pages 555, 953
- Sales and use, American diabetes association, Alabama affiliate, inc.  
exempt from—  
S 102, pages 36, 218, 793
- Sales and use, American legion state headquarters, American veterans  
of world war II, Korea and Viet Nam, the disabled American veter-  
ans and veterans of foreign wars exempt from—  
S 207, pages 55, 115, 988, 1807, 1896, 2143, Act 670
- Sales and use, Auburn heritage association, incorporated, exempt  
from—  
S 296, pages 72, 560
- Sales and use, Austin band boosters, inc., exempt from—  
S 175, page 48
- Sales and use, Decatur high school band boosters, exempt from—  
S 117, pages 48, 206, 560
- Sales and use, exceptional children, inc., Washington county day care  
center, sunflower school exempt from—  
S 201, pages 52, 112, 239
- Sales and use, garden club of Alabama, inc., exempt from—  
S 174, pages 47, 115
- Sales and use, junior league, Tuscaloosa county, exempt from—  
S 754, page 962
- Sales and use, kidney foundation of Alabama, inc., exempt from—  
S 622, pages 549, 953, 1313
- Sales and use, leukemia society of America, Alabama chapter, exempt  
from—  
S 429, pages 173, 561, 1392
- Sales and use, little sisters of the poor, home for the aged, inc., exempt  
from—  
S 328, pages 99, 561
- Sales and use, our lady of angels monastery, inc., exempt from—  
S 55, pages 27, 115
- Sales and use, particular council of Mobile society of st. Vincent de Paul,  
exempt from—  
S 327, pages 99, 561
- Sales and use, Phoenix house, inc., of Tuscaloosa exempt from—  
S 755, page 962
- Sales and use, the pathfinder, inc., exempt from—  
S 19, pages 21, 560  
S 40, page 24
- Sales and use, villa mercy, a corporation, exempt from—  
S 329, pages 100, 561

**TAXES (Continued)**

Sales, diesel oil and tractor fuel used for agricultural purposes, additional exemption from—  
S 183, pages 49, 115, 1549

Sales, distribution of proceeds further provided—  
S 356, pages 144, 217, 667, 837, 911, 1106, Act 359

Sales, provisions restricting exemption from to ships and vessels built in state deleted—  
S 532, page 284

Sales, use and ad valorem, certain charitable and community service organizations exempt from—  
S 688, pages 705, 954

Severance, on coal—  
S 18, page 20

Severance, on oil and gas—  
S 15, page 20  
H 3, pages 1151, 1218, 2134

Severance, on oil and gas, distribution of revenue further provided—  
S 217, pages 57, 292

Use, payment of further regulated, prohibiting registration of or issuance of automobile plates until paid—  
S 737, page 852

Utility gross proceeds, certain water authorities exempt from—  
S 339, pages 101, 177, 586, 1709, 1745, 2142, Act 854

Utility gross receipts, Smith's water authority exempt from—  
S 113, pages 37, 111, 162, 1652, 1677, 1699, Act 534

**TEACHERS**

Additional classes of certified employees to be included in definition of—  
S 438, pages 186, 261

Creditable service out of state, up to six years, allowed toward retirement under certain conditions—  
S 49, pages 26, 113, 246

Definition of, amended to include employees or officers of the American federation of teachers—  
S 330, pages 100, 566

**TEACHERS' RETIREMENT SYSTEM**

American federation of teachers, employees may participate in—  
S 330, pages 100, 566

Appropriation for hospital - medical insurance—  
S 466, page 192  
H 506, page 1581

Board of control, Alabama state federation of teachers granted representation on—  
S 384, page 150



**TEACHERS' RETIREMENT SYSTEM (Continued)**

Council for school administration and supervision, Alabama, employees and officers eligible for—

S 302, pages 74, 566

H 143, pages 836, 953, 1643, 1680, 2128

Creditable service out of state, up to six years, allowed under certain conditions—

S 49, pages 26, 113, 246

Minimum service retirement allowance for certain teachers provided—

S 255, page 65

Retired members of, cost-of-living pay increase provided—

S 133, page 41

H 119, pages 309, 559, 1006, 1097, 1098, 1159, 1649, 1711, Act 599

Transfer of certain contributions to judicial retirement fund provided—

S 530, pages 284, 562

Use of local funds to pay employee's share for employees paid from federal comprehensive employment training act funds—

S 366, page 146

**TELEPHONE COMPANIES**

Prohibited from receiving automatic increase in net return as a result of increase to south central Bell in net return—

S 24, pages 21, 119, 518, 1715, 1743, 2142, Act 817

Rates held to be judicially excessive, refund required—

S 23, pages 21, 119, 518

H 511, pages 1324, 1366

**TENNESSEE VALLEY AUTHORITY**

Amounts paid to state by, in lieu of ad valorem taxes, distribution of—

S 759, pages 1000, 1041, 1043, 1120, 1130, 1157, 1829

Taxes, income, retirement benefits exempt from—

S 121, page 39

**TENURE COMMISSION, STATE**

Maximum days of meeting, membership, appointing authority, appropriation—

S 438, pages 186, 261

Representation provided for Alabama state federation of teachers—

S 383, page 150

**THEFT OF SERVICES**

Various degrees of provided—

S 550, pages 308, 559, 803, 879

H 10, pages 1104, 1359, 2110, 2135, 2140, Act 770

**TORT LIABILITY**

Boards of education, members of, provided immunity from—

S 157, pages 45, 566

**TOURISM**

Historical Chattahoochee commission established to promote, interstate compact between Alabama and Georgia approved—  
S 586, pages 543, 860, 1271, 1652, 1678, 1700, Act 545  
H 869, pages 1112, 1220

**TOXICOLOGIST, STATE**

Naming office and laboratories of—  
S 537, page 285

**TRADE PRACTICES LAW**

Amended, to prohibit farm credit system institutions from selling or soliciting insurance—  
S 708, page 795

**TRAILERS**

Rental utility, registration and licensing of further provided—  
S 123, pages 39, 111, 162

**TRANSPORTATION**

Boards of education authorized to establish minimum distance from schools for students to qualify for—  
S 42, pages 24, 565  
Mass, administration of programs of by highway director authorized—  
S 417, pages 170, 1118

**TRAVEL COMMISSION, ALABAMA**

Created, powers and duties defined, supersedes state bureau of publicity and information—  
S 386, pages 150, 660, 860, 1386

**TREASURER, STATE**

Financial disclosure by, and by immediate family, required under certain conditions—  
S 67, pages 29, 120, 1187

**TREASURY BOARD, STATE**

Created, powers and duties provided—  
S 108, page 37

**TREASURY, STATE**

Earned interest accruing to, designated for medicaid purposes—  
S 69, pages 30, 218

**TREES**

On highway rights-of-way, cutting or destruction of further regulated—  
S 287, page 71  
S 415, page 169  
S 416, page 170

**TROOPERS, STATE**

Governors, former, injured by criminal act, provided as security for—  
S 100, page 35

H 54, pages 193, 225, 2021, 2108, 2129, Act 589

Reserve force established under director of department of public safety—  
S 430, pages 173, 573, 940

**TROY STATE UNIVERSITY**

Appropriation—  
S 486, page 208

**TRUCKS**

Load limitation on highways, assessment of damages for violators required—  
S 561, page 357

Weight, height, width and length of, regulation by municipalities on streets maintained by municipality authorized—  
S 396, page 166

**TRUSTS**

Employee benefit, taxation of income from exempt in certain cases—  
S 212, pages 56, 318

**TUITION ELIGIBILITY BOARD**

Created to administer program of education for children of law enforcement officers or firefighters killed in line of duty, appropriation—  
S 211, pages 56, 113, 248

**TUSKEGEE INSTITUTE**

Appropriation—  
S 402, page 167  
H 452, pages 689, 1219, 1651, 2022, 2109, Act 761

**U.S.S. ALABAMA BATTLESHIP COMMISSION**

Meetings and activities of promotional and social nature authorized—  
S 199, pages 52, 321, 574

**UNIFIED JUDICIAL SYSTEM**

Appropriation—  
S 297, page 73  
H 170, pages 174, 859, 914, 919, 975, 1671, 1676, 1967, 1987, Act 593

**UNIVERSITIES**

Proliferation of branch campuses prohibited without consent of legislature—  
S 79, pages 31, 566

**UNIVERSITY OF ALABAMA**

Appropriation—  
S 408, pages 168, 292, 1386, 1564

## UNIVERSITY OF ALABAMA (Continued)

Baseball field named "Sewell-Thomas field"—  
S 559, page 357

## UNIVERSITY OF ALABAMA IN BIRMINGHAM

Appropriation—  
S 247, page 63

Laboratory of medical genetics, appropriation—  
S 407, pages 168, 217, 798, 1979, 1992, 2143, Act 824

## UNIVERSITY OF ALABAMA IN HUNTSVILLE

Appropriation—  
S 675, pages 654, 862

## UNIVERSITY OF NORTH ALABAMA

Powers of eminent domain granted to—  
S 155, page 44  
S 475, pages 206, 564, 833

## UTILITIES, COMMISSIONER OF

Position of created, powers and duties defined, appropriation—  
S 84, page 32  
S 479, pages 207, 262, 523, 527, 536, 538, 665

## UTILITY RATES

Electric, energy cost adjustment abolished—  
S 33, page 23

Judicially held to be excessive, refunds to customers required—  
S 23, pages 21, 119, 518  
H 511, pages 1324, 1366

Procedure under which any fuel clause, rate or rider may be increased—  
S 27, pages 22, 120, 523  
H 510, pages 1324, 1366

## UTILITY SYSTEMS

Relocation of when necessitated by federal aid highway projects, reimbursement for—  
S 215, pages 57, 1017, 1047

## VAN CLEAVE, HON. A. R.

Southern union state junior college, building named for—  
S 282, pages 70, 226, 1359, 1782, 1892, 2143, Act 671  
H 351, pages 337, 1584, 1593

## VESSELS

Registration and operation of on waters of state further regulated—  
S 224, page 59

**VETERANS**

Deceased or totally disabled, educational benefits for families of—  
S 503, pages 258, 860

Disabled, and dependents of, educational benefits to, extent of disability  
required further defined—  
S 160, pages 45, 292, 942, 947, 1680, 1702, 2140, 2141, Act 585

Disabled, issuance of special license plates to, eligibility, cost—  
H 435, pages 1112, 1592, 2136, 2140, Act 775

**VETERANS OF FOREIGN WARS**

Exempt from sales and use taxes—  
S 207, pages 55, 115, 988, 1807, 1896, 2143, Act 670

**VILLA MERCY**

Exempt from sales and use taxes—  
S 329, pages 100, 561

**VITAL STATISTICS**

Records maintained by state and local boards of health excluded from  
public inspection—  
S 477, page 206

State registrar of, issuance of birth certificates for adopted children born  
outside United States—  
S 213, page 57

**VOTER REGISTRATION**

Voter records, maintenance of by registrars provided—  
S 378, pages 148, 179

**VOTING**

Absentee, position of "absentee election manager" created—  
H 173, pages 836, 1010, 1675, 1735, Act 616

Electronic systems, use of authorized—  
S 286, pages 71, 220

Laws governing registration of voters extensively revised—  
H 426, pages 1110, 1217, 1360, 1649, 1741, Act 584

Publication of poll lists prior to primary elections, date changed—  
S 568, pages 359, 709, 822, 823  
H 854, pages 802, 860, 1100, 1159, 1177, 1182, Act 380

Registration in precinct or ward of residence provided—  
S 585, page 543

**WAGES**

Payment of, by employers to discharged or resigned laborers, further  
regulated—  
S 340, page 101

**WAGES, MINIMUM**

Public works contracts, repealed—

S 584, page 543

S 666, pages 598, 917

**WALKER COUNTY JUNIOR COLLEGE**

Appropriation—

S 403, page 167

H 442, pages 689, 1219, 1651, 2021, 2109, Act 759

**WASHINGTON COUNTY DAY CARE CENTER**

Exempt from sales and use taxes—

S 201, pages 52, 112, 239

**WATER AUTHORITIES**

Certain, exempt from state utility gross proceeds tax—

S 339, pages 101, 177, 586, 1709, 1745, 2142, Act 854

**WATER WORKS SYSTEMS**

Removed from regulation by public service commission—

S 590, page 544

**WEIGHMASTERS**

Permit fee increased—

S 347, pages 142, 222, 231

**WEIGHTS AND MEASURES**

Keeping of standards for further provided—

S 369, pages 147, 223

**“WHITE COLLAR CRIME”**

Creation of financial investigative unit in office of attorney general to investigate, authorized—

S 352, page 143

**WHITMAN FIELD**

In Elmore county, conveyance of to Alabama corrections institution finance authority, authorized—

S 12, pages 19, 226, 807

**WILSON, GENERAL W. K., JR.**

I-65 bridge over Mobile river named for—

S 37, pages 24, 24, 154, 965, 1807, 1895, 2143, Act 665

**WINES**

Table, sale of by licensees authorized—

H 325, pages 1205, 1369

**WORK-RELEASE PROGRAMS**

Punishment for escape by inmates participating in, further defined—  
S 86, pages 33, 178

State prisoners removed from; county prisoners, requirements prescribed—  
S 563, page 358

**WORKMAN'S COMPENSATION LAW**

Contractors of employer of injured employee not to be made defendant for damages if employee is subject to—  
S 245, page 63  
S 665, page 598

Payment of attorney's fees in cases arising under, further provided—  
S 372, page 147  
S 409, page 168

Physicians, choice of provided for injured employees—  
S 163, pages 45, 658, 1383

**WRONGFUL DEATH**

Acts causing, for which actions may be brought, further defined—  
S 404, page 167

**YOUTH SERVICES, DEPARTMENT OF**

Abolished, transfer of powers and duties to the department of education—  
S 58, page 27

Purchases and letting of contracts, act permitting procedures repealed—  
S 701, pages 708, 954

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**1978 REGULAR SESSION****TOPICAL INDEX****LOCAL BILLS****ACTS AMENDED, LOCAL ACTS**

Bibb county, 1969 Acts, Act no. 866, p. 1577, compensation of sheriff and his employees—  
H 933, pages 924, 1354, 1747, 1816, Act 861

Bibb county, 1973 Acts, Act no. 727, p. 1086, method of compensating certain county officers—  
H 932, pages 924, 1352, 1746, 1816, Act 733

Calhoun county, 1953 Acts, Act no. 592, p. 838, civil service system for city of Anniston—  
H 882, pages 1152, 1358, 1632, 1740, Act 628  
H 1121, pages 1018, 1352, 1615, 1729, Act 703

## ACTS AMENDED, LOCAL ACTS (Continued)

Calhoun county, 1971 Acts, Act no. 2182, p. 3489, civil service system for Jacksonville—

H 1138, pages 1281, 1589, 1755, 1818, Act 873

Calhoun county, 1975 Acts, Act no. 274, p. 809 civil service system—

H 964, pages 1281, 1588, 1753, 1820, Act 735

Calhoun county, 1975 Acts, Act no. 425, p. 1020, industrial development authority—

H 961, pages 1280, 1587, 1749, 1820, Act 734

Chambers county, 1977 Acts, Act no. 182, p. 249, board of registrars—

S 337, pages 101, 229, 327, 793, 1023, 1032, 1106, Act 390

H 313, pages 336, 571, 606, 645, Act 259

Chambers county, 1977 Acts, 1st sp. sess., Act no. 50, p. 1472, county commission, compensation—

H 317, pages 336, 571, 606, 645, Act 261

Colbert county, 1949 Acts, Act no. 131, p. 157, meeting dates of county commission—

H 364, pages 341, 601, 760, 831, Act 351

Covington county, 1969 Acts, Act no. 89, p. 373, compensation of board of education—

H 785, pages 1237, 1357, 1630, 1740, Act 621

Dale county, 1977 Acts, Act no. 553, p. 744, clerical employees of certain county officers—

H 867, pages 1155, 1218, 1344, 1539, Act 521

DeKalb county, 1959 Acts, Act no. 418, p. 1107, gasoline excise tax—

S 690, pages 706, 794, 870, 1743, 1810, 2142, Act 881

Escambia county, 1963 Acts, Act no. 411, p. 912, creating a governing body—

S 772, pages 1003, 1215, 1335, 1776, 1812, 2142 Act 893

H 1146, pages 1316, 1356, 1626, 1733, Act 650

Franklin county, 1971 Acts, Act no. 494, p. 1207, pistol permits—

S 256, pages 65, 322

Geneva county, 1975 Acts, Act no. 917, p. 1823, part-time clerk-hire allowance for certain officials—

H 927, pages 843, 959, 1066, 1125, Act 430

Greene county, 1975 Acts, Act no. 376, p. 926, racing commission—

H 1080, pages 1183, 1349, 1607, 1728, Act 710

Houston county, 1947 Acts, Act no. 273, p. 196, the civil service act of Dothan—

H 952, pages 844, 1353, 1619, 1731, Act 632

Houston county, 1971 Acts, Act no. 2141, p. 3431, form of government for Dothan—

S 253, pages 64, 957, 1056, 1290, 1320, 1698, Act 504

Jefferson county, 1945 Acts, Act no. 248, p. 376, county-wide civil service system—

H 733, page 993

H 734, page 993



## ACTS AMENDED, LOCAL ACTS (Continued)

Jefferson county, 1951 Acts, Act no. 929, p. 1579, pension and relief system for officers and employees of Birmingham—

S 787, pages 1052, 1115, 1223, 1243

S 800, page 1133

H 1157, pages 1582, 1589, 1766, 1818, Act 737

Jefferson county, 1959 Acts, Act no. 556, p. 1376, supplemental pension and relief system for firemen and policemen of Birmingham—

S 673, pages 654, 1220

H 756, pages 984, 1589, 1757, 1961, 1962, Act 738

Jefferson county, 1965 Acts, Act no. 497, p. 717, retirement system for employees—

S 655, pages 596, 659, 1063

S 656, pages 596, 659, 972

S 657, pages 597, 659, 973

H 805, pages 993, 1117, 1228, 1278, Act 473

H 819, pages 994, 1117, 1228, 1278, Act 474

H 894, pages 1020, 1117, 1228, 1278, Act 475

Jefferson county, 1966 Acts, Act no. 79, sp. sess., p. 106, operation of districts for fire protection—

H 946, pages 1021, 1117, 1229, 1278, Act 500

Jefferson county, 1975 Acts, Act no. 458, p. 1085, election of certain assistant officials—

H 923, pages 1020, 1345, 1597, 1725, Act 607

Lee county, 1961 Acts, Act no. 394, p. 406, personnel for sheriff's department—

H 688, pages 1175, 1352, 1614, 1728, Act 601

Lee county, 1977 Acts, Act no. 50, 1st sp. sess., p. 1472, compensation for members of county commission—

S 338, pages 101, 572, 613, 1023, 1032, 1106, Act 391

Madison county, 1971 Acts, Act no. 738, p. 1453, election of mayor and council members—

S 188, page 50

Madison county, 1971 Acts, Act no. 796, p. 1530, election of members of Huntsville board of education—

S 187, page 49

Marengo county, 1977 Acts, Act no. 547, p. 731, wages of inmates on work-release program—

H 228, pages 175, 230, 331, 346, Act 20

Mobile county, 1876 Acts, Section 5, public schools of county—

H 1064, page 1239

Mobile county, 1964 Acts, Act no. 243, p. 326, pension and relief system for policemen and firemen of city of Mobile—

S 740, pages 912, 959, 1067, 1775, 1811, 2142 Act 887

H 1063, pages 1184, 1591, 1769, 1820, Act 862

Mobile county, 1971 Acts, Act no. 421, p. 1153, preservation of historic character of city of Mobile—

H 761, page 931

## ACTS AMENDED, LOCAL ACTS (Continued)

- Mobile county, 1975 Acts, Act no. 653, p. 1410, voter registration—  
S 193, page 50
- Morgan county, 1965 Acts, Act no. 324, p. 443, merit system for Decatur—  
H 1003, pages 1026, 1346, 1600, 1726, Act 694
- Morgan county, 1976 Acts, Act no. 762, p. 1046, right of county commission to perform public works—  
H 976, pages 923, 1354, 1620, 1731, Act 635
- Pickens county, 1963 Acts, Act no. 187, p. 570, expense allowance of members of county governing body—  
H 1136, pages 1572, 1592, 1771, 1821, Act 872
- Russell county, 1947 Acts, Act no. 13, p. 7, Phenix city pension and relief system—  
H 898, pages 843, 1353, 1618, 1730, Act 629
- Russell county, 1969 Acts, Act no. 925, p. 1663, relating to law library fees—  
H 353, pages 338, 571, 605, 645, Act 262
- Russell county, 1977 Acts, Act no. 71, p. 78, form of government of Phenix city—  
H 897, pages 843, 1012, 1080, 1128, Act 426
- St. Clair county, 1971 Acts, Act no. 1728, p. 2889, county commission, travel and other expenses of—  
S 658, pages 597, 1214, 1331
- Shelby county, 1977 Acts, Act no. 789, p. 1363, personnel board for employees of county law enforcement offices—  
H 906, pages 841, 959, 1066, 1125, Act 429
- Sumter county, 1951 Acts, Act no. 244, p. 521, compensation of board of education—  
H 1109, pages 1572, 1588, 1753, 1820, Act 868
- Tallapoosa county, 1969 Acts, Act no. 275, p. 607, compensation of certain county officers—  
H 1014, pages 1027, 1049, 1142, 1172, Act 437
- Tallapoosa county, 1969 Acts, Act no. 487, p. 948, compensation of governing body—  
H 1013, pages 1024, 1048, 1140, 1772
- Walker county, 1963 Acts, Act no. 103, p. 486, salary of superintendent of education—  
S 761, pages 1000, 1214, 1332, 1777, 1811, 2142, Act 888
- Washington county, 1969 Acts, Act no. 387, p. 764, issuance of pistol permits—  
H 105, pages 340, 794, 871, 936, Act 369
- Wilcox county, 1971 Acts, Act no. 83, p. 345, pistol permit fees—  
H 1111, pages 1254, 1358, 1632, 1740, Act 643

## ACTS REPEALED, LOCAL ACTS

- Blount county, 1971 Acts, Act no. 301, 3rd sp. sess. p. 4588, expense allowance for county commissioners—  
H 812, pages 994, 1357, 1629, 1739, Act 622
- Blount county, 1973 Acts, Act no. 578, p. 835, expense allowance for county commissioners—  
H 812, pages 999, 1357, 1629, 1739, Act 622
- Blount county, 1976 Acts, Act no. 469, p. 584, compensation and travel allowance, county commissioners—  
H 812, pages 999, 1357, 1629, 1739, Act 622
- Chambers county, 1977 Acts, 1st sp. sess., Act no. 50, p. 1472, county commission, compensation—  
S 663, pages 598, 757, 868  
H 810, pages 858, 918, 967, 1039, Act 40
- Choctaw county, 1973 Acts, Act no. 361, p. 515, clerk-hire allowance for probate judge—  
H 291, pages 175, 1353, 1617, 1729, Act 600
- Conecuh county, 1976 Acts, Act no. 723, p. 1006, expense allowance of coroner—  
H 903, pages 859, 959, 1065, 1125, Act 428
- Elmore county, 1976 Acts, Act no. 218, p. 232, consolidated system for assessment and collection of taxes—  
H 1164, pages 1567, 1590, 1766, 1819, Act 876
- Escambia county, 1977 Acts, Act no. 497, p. 648, merit system for certain county and municipal law enforcement officers—  
S 772, pages 1003, 1215, 1335, 1776, 1812, 2142, Act 893  
H 1146, pages 1316, 1356, 1626, 1733, Act 650
- Franklin county, 1971 Acts, Act no. 494, p. 1207, pistol permit fee—  
S 727, pages 848, 958, 1058, 1288, 1320, 1699 Act 513
- Greene county, 1975 Acts, Act no. 700, p. 1466, expense allowance for county commission—  
H 1079, pages 1183, 1347, 1603, 1727, Act 709
- Houston county, 1975 Acts, Act no. 936, p. 1955, office of license commissioner—  
H 839, pages 858, 959, 1065, 1127, Act 424
- Jefferson county, 1976 Acts, Act no. 604, p. 820, annexation of fire districts by municipal corporations—  
S 793, pages 1054, 1116, 1226  
H 922, page 1017
- Lawrence county, 1967 Acts, Act no. 612, p. 1416, appointment and compensation of a clerk for sheriff—  
H 1015, pages 1028, 1347, 1601, 1726, Act 699
- Lee County, 1977 Acts, Act no. 70, 1st sp. sess., p. 1499, compensation of members of county commission—  
S 336, pages 101, 572, 613, 1023, 1032, 1106 Act 389
- Madison county, 1971 Acts, Act no. 1493, p. 2571, practice of barbering—  
H 737, pages 1029, 1050, 1146, 1246, Act 490

## ACTS REPEALED, LOCAL ACTS (Continued)

Madison county, 1973 Acts, Act no. 608, p. 867, temporary release of prisoners—

H 704, pages 856, 1049, 1144, 1245, Act 487

Madison county, 1975 Acts, Act no. 895, p. 1753, pre-trial release—

H 707, pages 856, 1050, 1146, 1245, Act 489

Mobile county, 1975 Acts, Act no. 653, p. 1410, board of registrars—

S 696, pages 707, 957, 1057, 1775, 1810, 2142 Act 884

Monroe county, 1977 Acts, Act no. 564, p. 754, authorizing governing bodies to contribute to volunteer rescue squads—

H 1073, pages 1153, 1350, 1611, 1730, Act 722

Morgan county, 1969 Acts, Act no. 668, p. 1203, compensation of board of registrars—

S 334, pages 100, 225

Russell county, 1947 Acts, Act no. 15, p. 14, civil service system for Phenix city—

H 895, pages 842, 1352, 1615, 1729, Act 605

Tallapoosa county, 1961 Acts, Act no. 926, p. 1485, compensation of jury commission—

H 1011, pages 1027, 1347, 1602, 1727, Act 697

## BALDWIN COUNTY

Probate office, filing fee on documents—

H 1148, pages 1075, 1350, 1608

Register of circuit court, expense allowance, additional—

H 1150, pages 1075, 1356, 1627, 1653, 1720, 1780, Act 726

Tax assessor and tax collector, additional expense allowance—

S 734, pages 851, 918, 968

Utility boards, directors of certain, compensation provided—

S 764, pages 1001, 1047, 1138

H 1102, pages 1270, 1591, 1768, 1819, Act 866

Water wells, regulation of provided—

H 185, pages 1573, 1589, 1755, 1818, Act 730

## BARBOUR COUNTY

Eufaula, boundaries rearranged—

H 424, pages 341, 600, 757, 831, Act 352

## BIBB COUNTY

Board of equalization, secretary, expense allowance—

H 934, pages 930, 1354, 1747, 1816, Act 867

Probate judge, compensation—

H 932, pages 924, 1352, 1746, 1816, Act 733

Sheriff and members of his staff, compensation—

H 933, pages 924, 1354, 1747, 1816, Act 861

Tax, ad valorem, additional for water, sewer and fire protection authorized—

H 935, pages 930, 1353, 1746, 1816, Act 878

**BLOUNT COUNTY**

Board of equalization, compensation—

H 814, pages 995, 1357, 1630, 1740, Act 624

Board of registrars, compensation—

H 813, pages 995, 1357, 1631, 1740, Act 623

County and municipal employees, merit system established—

H 1128, pages 1255, 1356, 1628, 1733, Act 648

County commissioners, compensation and expense allowances for—

H 812, pages 994, 1357, 1629, 1739, Act 622

Voters, registration of, further provided—

H 1053, pages 1075, 1351, 1612, 1730, Act 719

**BULLOCK COUNTY**

Clerical help and jailers, employment of—

H 1048, pages 1075, 1350, 1608

Correctional institution, state location in prohibited unless approved by voters—

H 283, page 994

County commission, powers in regard to constructing roads to private dwellings—

H 1049, page 1019

Sheriff, salary of—

H 783, pages 857, 1346, 1598, 1725

Tax assessor and tax collector, salaries of—

H 1061, pages 1238, 1351, 1611, 1730, Act 842

**CALHOUN COUNTY**

Anniston, authorized to pay part of costs of Calhoun county district court, juvenile division—

H 1122, pages 1281, 1588, 1754, 1820, Act 870

Anniston, civil service system further provided—

H 882, pages 1152, 1358, 1632, 1740, Act 628

H 1121, pages 1281, 1588, 1753, 1820, Act 869

Civil service board, members of, to be appointed by county legislative delegation—

H 964, pages 1281, 1588, 1753, 1820, Act 735

County commissioners, mileage allowance increased—

H 981, pages 1030, 1048, 1140, 1172, Act 440

Homebaked and homemade goods, certain, not subject to regulations of health department—

H 621, pages 852, 1049, 1143, 1244, Act 485

Industrial development, governing bodies granted certain powers and authority in regard to, CA—

H 712, pages 994, 1591, 1770

Industrial development authority, membership increased—

H 961, pages 1280, 1587, 1749, 1820, Act 734

## CALHOUN COUNTY (Continued)

Jacksonville board of education, members elected by popular vote—  
H 381, page 337

H 1139, pages 1282, 1587, 1750, 1962, 1963, Act 740

Jacksonville, civil service board, staggered terms for members of—  
H 1138, pages 1281, 1589, 1755, 1818, Act 873

Officers of, certain, compensation increased—

S 713, pages 796, 917, 974, 1252, 1315, 1384, 1576, 1594, 1699 Act  
532

Registrar, validating certain payments to—

H 947, pages 996, 1047, 1139, 1172, 1647, 1734, Act 713

Rural fire departments, county commission to allocate funds to assist—

H 982, pages 1030, 1048, 1140, 1172, Act 436

Tax assessor authorized to appoint deputy—

S 714, pages 796, 918, 967

H 987, pages 1154, 1354, 1622, 1711, Act 610

## CHAMBERS COUNTY

Board of registrars, members of, compensation—

S 337, pages 101, 229, 327, 793, 1023, 1032, 1106 Act 390

H 313, pages 336, 572, 606, 645, Act 258

County commission, members of, compensation—

S 662, pages 598, 756, 867

S 663, pages 598, 757, 868

H 317, pages 336, 571, 606, 645, Act 261

H 810, pages 858, 918, 967, 1039, Act 401

H 811, pages 858, 918, 968, 1039, Act 402

## CHILTON COUNTY

Sheriff, appointment and compensation of deputies, provision of quarters and clerical help, expense allowance—

H 1033, pages 1074, 1350, 1609, 1730, Act 717

## CHOCTAW COUNTY

Butler, boundaries rearranged—

H 190, pages 174, 659, 767, 831

H 1026, pages 1019, 1049, 1142, 1172, Act 438

Pennington, boundaries rearranged—

H 996, pages 842, 918, 968, 1040, Act 404

Probate judge's office, clerk-hire allowance—

H 291, pages 175, 1353, 1617, 1729, Act 600

Probate judge, tax assessor and tax collector, compensation on salary basis, CA—

H 483, page 837

Toxey, boundaries rearranged—

H 413, pages 337, 571, 604, 645, Act 264

Voters, registered, list of purged—

H 828, pages 855, 1357, 1631, 1740, Act 625

## CLARKE COUNTY

County governing body, compensation of—  
H 794, pages 857, 958, 1062, 1126, Act 417

Election officials, compensation of—  
H 793, pages 1567, 1587, 1748, 1817, Act 732

## CLAY COUNTY

Raccoons and opossums, night hunting, provided for—  
H 1038, pages 1019, 1049, 1143, 1244, Act 497

## CLEBURNE COUNTY

Courthouse, hours of operation, submission to voters of proposition concerning—  
H 1039, pages 1019, 1350, 1608, 1750

District attorney, appointment of part-time authorized—  
H 883, pages 1105, 1366, 1580, 1638, 1712 Act 782

## COFFEE COUNTY

Board of equalization, members of, expense allowance—  
H 945, pages 996, 1013, 1083, 1128 Act 433

Tax assessor and tax collector, consolidation of offices authorized, CA—  
H 944, pages 1030, 1353, 1620, 1711 Act 470

## COLBERT COUNTY

Board of education, compensation of—  
H 1104, pages 1270, 1355, 1624, 1732, Act 639

Board of equalization, compensation of—  
H 1103, pages 1270, 1355, 1624, 1732 Act 638

Board of registrars, expense allowance—  
H 827, pages 854, 958, 1064, 1127 Act 421

County commission authorized to require approval of subdivision road plats—  
H 832, pages 855, 958, 1064, 1127 Act 422

County commission, meeting dates of—  
H 364, pages 341, 601, 760, 831 Act 351

County officials, certain, salaries and expense allowance—  
H 1107, pages 1270, 1355, 1625, 1732 Act 641

Highway department, state, authorized to use county road funds to maintain certain roads—  
H 821, pages 854, 958, 1064, 1126 Act 419

Jury commission, clerk and members of, compensation—  
H 1106, pages 1270, 1357, 1629, 1739 Act 640

Muscle Shoals, civil service system provided for certain employees—  
H 1017, pages 1017, 1051, 1148, 1246 Act 494

## CONECUH COUNTY

Coroner, expense allowance for—

H 902, pages 858, 959, 1065, 1127 Act 427

H 903, pages 859, 959, 1065, 1125 Act 428

## CONSTITUTIONAL AMENDMENTS

Calhoun county, certain powers granted to governing bodies in regard to industrial development—

H 712, pages 994, 1591, 1770

Choctaw county, probate judge, tax assessor and tax collector, compensation on salary basis—

H 483, page 837

Coffee county, consolidation of offices of tax assessor and tax collector—

H 944, pages 1030, 1353, 1620, 1711, Act 470

Etowah county, municipalities in, procedure for recall of mayor and members of governing body provided—

S 166, page 46

Etowah county, procedure for recall of election officials authorized—

S 165, page 46

Geneva county, providing for the compensation of certain officers, and the restructuring or abolition of certain offices—

H 714, pages 1279, 1352, 1616, 1729 Act 471

Henry county, probate judge, compensation—

S 249, page 64

Jefferson county, fire protection of garbage and trash disposal districts further provided—

S 744, pages 913, 956, 1057

Jefferson county, office of assistant judge of probate created—

S 687, pages 705, 1045, 1134

Limestone county, establishment of fire districts in—

S 600, pages 545, 602, 763, 1073, 1102, 1698 Act 362

Macon county, placing county officials on salary basis—

S 797, pages 1132, 1221, 1342

Madison county, legislature authorized to establish fire districts in and to levy and collect taxes for support of—

H 705, pages 840, 1049, 1144, 1723, 1780 Act 472

Mobile county, home rule granted—

S 426, pages 172, 660, 769, 1328, 1620

Morgan county, consolidation of public offices provided—

S 578, pages 541, 601, 761

Russell county, fees and compensation of officers and court costs in—

S 567, pages 359, 572, 613, 1024, 1033, 1106 Act 361

Sumter county, probate judge, tax assessor and tax collector compensation on salary basis—

H 482, page 837



## COOSA COUNTY

- Deputy registrars, appointed by probate judge—  
H 1098, pages 1269, 1348, 1603, 1724 Act 846
- Voters, purging list of—  
H 1099, pages 1573, 1588, 1754, 1820 Act 864

## COVINGTON COUNTY

- Education, board of, compensation—  
H 785, pages 1237, 1357, 1630, 1740 Act 621

## CRENSHAW COUNTY

- Board of equalization, members of, pay increase—  
S 602, pages 546, 600, 758, 1287, 1320, 1699 Act 507
- Coroner, additional expense allowance—  
S 471, pages 192, 230, 330, 1022, 1032, 1106, Act 393
- County commissioners, salary increase—  
S 599, pages 545, 600, 758, 1287, 1320, 1699, Act 506
- Hospital board, compensation to members in lieu of expenses—  
S 465, pages 191, 230, 330, 1023, 1032, 1106 Act 392
- Hunting on privately owned hunting preserves, further regulated—  
S 758, pages 1000, 1115, 1222

## CULLMAN COUNTY

- Additional tax on motor fuels authorized—  
H 160, pages 335, 362, 687, 1055, 1097, 1130, Act 410
- Coal severance tax, proceeds of, to be turned over to state highway department for paving roads in county—  
H 159, pages 340, 362, 500, 623, Act 255
- Distribution and expenditure of payments by Tennessee valley authority in lieu of ad valorem taxes—  
S 776, pages 1004, 1215, 1336, 1778, 1812, 2142 Act 896  
H 1115, page 1256
- Highway department, state, divested of functions in relation to roads and bridges, governing body revested with said powers—  
S 346, pages 141, 229, 328, 1176, 1210, 1698 Act 476
- Officers of, certain, additional expense allowance—  
S 306, page 74  
H 1116, pages 1257, 1349, 1607, 1728, Act 609
- Officials of, certain, salary increase—  
S 775, pages 1004, 1215, 1335, 1778, 1812, 2142 Act 895  
H 1117, pages 1279, 1348, 1604, 1724, Act 614
- Revenue commissioner, tax assessment and collection, consolidated system established—  
S 317, pages 98, 262
- Road personnel board created, duties and powers further defined—  
S 778, pages 1004, 1215, 1336, 1778, 1812, 2143 Act 889  
H 1119, pages 1280, 1356, 1628, 1733, Act 646

## CULLMAN COUNTY (Continued)

Tax assessor and tax collector of, salaries further regulated—  
S 777, pages 1004, 1215, 1336, 1778, 1812, 2143 Act 897  
H 1120, pages 1279, 1349, 1605, 1724, Act 611

Volunteer fire departments and units, expenditure of funds authorized  
without regard to competitive bid law—  
S 779, pages 1005, 1216, 1337, 1778, 1813, 2143 Act 890  
H 1118, pages 1280, 1351, 1613, 1730 Act 645

## DALE COUNTY

Employees, certain, allowed continued employment under Act no. 553,  
1977—  
H 867, pages 855, 918, 970, 1040, Act 403

Governing body authorized to provide relief to employees who suffered  
unpaid claims insurance company bankrupted—  
H 1046, pages 1153, 1355, 1623, 1732 Act 718

Grimes, boundaries rearranged—  
H 642, pages 853, 918, 969, 1039 Act 399

## DALLAS COUNTY

Court fees, handling and expenditures of certain, further regulated—  
H 745, pages 854, 960, 1068, 1126 Act 415

Fund established and expense supplements provided for district attorney  
and certain assistants—  
H 744, pages 854, 960, 1068, 1126 Act 414

## DeKALB COUNTY

Gasoline excise tax, disposition of proceeds further provided—  
S 690, pages 706, 794, 870, 1743, 1810, 2142 Act 881

Moore's crossroads, boundaries rearranged—  
H 988, pages 1031, 1350, 1610, 1771

Sheriff's department, merit system for established—  
H 218, pages 339, 795, 872, 936 Act 370

State highway director to pay any judgment for damages and court costs  
against Billy Ray Barksdale—  
S 497, pages 210, 573, 615, 1574, 1594, 1699 Act 525

## ELMORE COUNTY

Deputy sheriffs, compensation—  
H 979, pages 923, 960, 1067, 1125, Act 388

Massage parlors, operation and licensing regulated—  
S 700, pages 708, 757, 869, 1635, 1679, 1700 Act 550

Repealing act consolidating assessment and collection of taxes—  
H 1164, pages 1567, 1590, 1766, 1819, Act 876

Tax, severance, on clay, sand and gravel—  
H 980, pages 1025, 1354, 1621, 1731, Act 843

## ESCAMBIA COUNTY

Cosmetology or barbering students authorized to work in beauty or barber shop at certain times—

S 770, pages 1002, 1215, 1334, 1776, 1811, 2142 Act 829

H 1143, pages 1255, 1349, 1605, 1724, Act 613

County commission may allocate oil and gas monies among several incorporated municipalities—

S 771, pages 1002, 1215, 1334, 1777, 1811, 2142 Act 883

H 1142, pages 1256, 1357, 1629, 1733

County commission, reimbursement of expenses provided for attendance at state and national meetings—

S 767, pages 1001, 1214, 1333, 1776, 1811, 2142 Act 826

H 1144, pages 1256, 1356, 1626, 1733 Act 649

Industrial development authority created—

S 773, pages 1003, 1215, 1335, 1776, 1812, 2142 Act 894

H 1141, pages 1255, 1348, 1604, 1724 Act 612

Personnel board for authorized powers, and duties defined—

S 772, pages 1003, 1215, 1335, 1776, 1812, 2142 Act 893

H 1146, pages 1316, 1356, 1626, 1733 Act 650

Sheriff and all deputies sheriff, compensation—

S 768, pages 1002, 1214, 1333, 1776, 1811, 2142 Act 827

H 1145, pages 1315, 1349, 1605, 1724

Sheriff of, salary increase—

S 769, pages 1002, 1214, 1334, 1776, 1811, 2142 Act 828

H 1147, pages 1315, 1349, 1606, 1724

## ETOWAH COUNTY

City boards of education, administration and supervision of public schools in certain municipalities vested in—

S 572, pages 360, 573, 614, 991, 1033, 1106, Act 395

Elected county officers, filling of vacancies provided—

S 683, pages 704, 794, 869, 1774, 1810, 2142 Act 879

Elected judicial officers, filling of vacancies provided—

S 684, pages 704, 794, 869, 1773, 1810, 2142 Act 880

Elections, certain, in all municipalities except city of Gadsden, further provided—

S 624, pages 550, 599, 757, 1176, 1211, 1698 Act 481

Gadsden, elections for board of commissioners, further provided—

S 623, pages 549, 599, 757, 1176, 1210, 1698 Act 480

Gadsden, salaries of members of board of commissioners—

H 1159, pages 1566, 1590, 1767, 1971

Municipalities in, procedure for recall of mayor and members of governing bodies provided, CA—

S 166, page 46

Procedure for recall of public officials provided, CA—

S 165, page 46

## ETOWAH COUNTY (Continued)

Rainbow city, board of education, election of—

S 164, pages 46, 361, 499

S 462, pages 191, 230, 329

S 547, pages 307, 361, 499, 986, 992, 1106 Act 378

H 719, pages 1074, 1586, 1749

Rainbow city, boundaries rearranged—

S 463, pages 191, 230, 329

Sheriff to have concession to sell certain items to prisoners—

H 1023, pages 1074, 1350, 1610, 1730 Act 715

Southside, boundaries rearranged—

H 1028, pages 1074, 1346, 1598, 1723, 1781, Act 725

## FAYETTE COUNTY

County commissioners, expense allowance—

H 886, pages 995, 1051, 1148, 1246 Act 466

Education, superintendent of, compensation—

H 885, pages 995, 1051, 1148, 1246 Act 465

Fayette, city of, boundaries rearranged—

H 300, pages 336, 601, 760, 831, Act 350

H 887, pages 996, 1051, 1148, 1246 Act 467

## FRANKLIN COUNTY

District engineer, county, authority and duties of—

H 1019, pages 1018, 1052, 1150, 1247, Act 496

Highway department, state, authorized to use county funds to repair and maintain certain roads in—

H 1018, pages 1018, 1051, 1149, 1246 Act 495

Pistol permit fees—

S 256, pages 65, 322

S 727, pages 848, 958, 1058, 1288, 1320, 1699 Act 513

S 728, pages 848, 958, 1059, 1288, 1321, 1699 Act 514

Russellville, boundary lines extended—

S 726, pages 847, 958, 1058, 1289, 1320, 1699, Act 512

## GENEVA COUNTY

Compensation of certain officers and the restructuring or abolition of certain offices provided, CA—

H 714, pages 1279, 1352, 1616, 1729, Act 471

Tax assessor and tax collector, clerk-hire allowance increased—

H 927, pages 843, 959, 1066, 1125, Act 430

Taxes, consolidated system for assessment and collection of provided—

H 1151, pages 1279, 1356, 1625, 1733, Act 651

Voters, purging lists of—

H 1165, pages 1567, 1587, 1748, 1819, Act 877

**GREENE COUNTY**

Alcoholic beverages, sale of during certain times—  
H 1077, pages 1182, 1349, 1606, 1724, Act 707

County governing body, members of, expense allowances—  
H 1075, pages 1182, 1592, 1770, 1821, Act 863  
H 1079, pages 1183, 1347, 1603, 1727, Act 709

County treasurer, office created—  
H 1076, pages 1182, 1355, 1625, 1732, Act 723

Racing commission, distribution of funds—  
H 1080, pages 1183, 1349, 1607, 1728, Act 710

**HALE COUNTY**

County commission, powers in regard to constructing roads to private dwellings—  
H 1126, pages 1255, 1358, 1631, 1740, Act 647

Law library established—  
H 1078, pages 1183, 1348, 1603, 1727, Act 708

License tags, optional method of assessing taxes and issuing, provided—  
H 1007, pages 1153, 1347, 1601, 1726, Act 695

**HENRY COUNTY**

Coroner, compensation of—  
H 1112, pages 1254, 1355, 1624, 1732, Act 644

Probate judge, compensation to be on salary basis—  
S 250, page 64

Probate judge, salary basis of compensation, authorized, CA—  
S 249, page 64

**HOUSTON COUNTY**

Alcoholic beverages, sale further regulated—  
H 1114, pages 1256, 1590, 1768, 1819, Act 818

County commissioners, excluding chairman, compensation—  
H 837, pages 1279, 1351, 1613, 1730, Act 626

Dothan, civil service act amended to redefine the words "department head"—  
H 952, pages 844, 1353, 1619, 1731, Act 632

Dothan, disclosure of campaign contributions and expenses in city elections further provided—  
S 253, pages 64, 957, 1056, 1290, 1320, 1698, Act 504

Hospital board composition of, prescribed—  
S 539, pages 306, 572, 604, 1209, 1319, 1698, Act 505  
H 630, pages 857, 958, 1061, 1127, Act 413

License commissioner, act creating office repealed—  
H 839, pages 858, 959, 1065, 1127, Act 424

Taylor, boundaries rearranged—  
H 838, pages 858, 1012, 1081, 1128, Act 423

## JACKSON COUNTY

County commission to publish semi-annual financial report—  
H 589, pages 852, 1049, 1143, 1244, Act 484

Sheriff's office, number and compensation of employees, motor vehicles and operational cost—  
S 738, pages 852, 919, 970, 1703, 1743, 1823, 1982, 1993, 2143, Act 835

## JEFFERSON COUNTY

Bessemer, officials of, re-employment under civil service—  
H 1161, page 1570

Birmingham, pension and relief system—  
S 673, pages 654, 1220  
S 787, pages 1052, 1115, 1223, 1243  
S 800, page 1133  
H 756, pages 984, 1589, 1757, 1961, 1962, Act 738  
H 1157, pages 1582, 1589, 1766, 1818, Act 737

Board of health authorized to solicit, receive, hold or dispose of certain gifts, grants, devises, and bequests of real estate—  
S 527, pages 283, 360, 498, 1023, 1032, 1106, Act 381  
H 550, page 927

Civil service system, county-wide, act creating further amended—  
H 733, page 993  
H 734, page 993

Constables, compensation provided—  
S 686, pages 705, 1045, 1133

Election of certain assistant officials—  
H 923, pages 1020, 1345, 1597, 1725, Act 607

Fire districts, annexation by municipal corporations, act providing repealed—  
S 793, pages 1054, 1116, 1226

Fire districts, procedure for payments of certain debts upon annexation by municipalities—  
S 792, pages 1053, 1116, 1225  
H 922, page 1017

Fire districts, service charges shall be obligations of property owners of district—  
H 946, pages 1021, 1117, 1229, 1278, Act 500

Fire protection or garbage and trash disposal districts further provided, CA—  
S 744, pages 913, 956, 1057

Governing body authorized to offer rewards for information leading to arrest and conviction of certain persons—  
H 901, pages 990, 1117, 1229, 1278, Act 499

Industrial development, public corporation to promote—  
S 729, pages 848, 1045, 1136

## JEFFERSON COUNTY (Continued)

Judge of probate, assistant, provided—

S 687, pages 705, 1045, 1134

S 718, pages 797, 1134

H 990, pages 990, 1117, 1229, 1361, 1653, 1721, 1780, Act 661

Lodge tax, additional, levied—

S 631, pages 552, 994, 973

Municipalities authorized to grant municipal ad valorem tax exemptions to owner-developers of new commercial or industrial facilities—

S 743, pages 913, 1046, 1137

H 1025, pages 1184, 1345, 1597, 1725, Act 704

Retirement system for employees of—

S 655, pages 596, 659, 1063

S 656, pages 596, 659, 972—

S 657, pages 597, 659, 973

H 805, pages 993, 1117, 1228, 1278, Act 473

H 819, pages 994, 1117, 1228, 1278, Act 474

H 894, pages 1020, 1117, 1228, 1278, Act 475

Tax collector, assistant, salary fixed

H 631, pages 927, 1345, 1595, 1721, 1781, Act 657

H 633, pages 927, 1345, 1596, 1723, 1781, Act 658

Traps, steel leg-hold, sale or use of prohibited—

H 717, page 1581

Truck weight inspectors and transfer agents, civil service status prescribed—

H 941, pages 1021, 1359, 1634, 1742, Act 630

Unsanitary sewage collection, treatment and disposal facility, maintaining or using a misdemeanor—

H 651, pages 926, 1116, 1226, 1722, 1781, Act 659

Voting boxes, chief inspectors of, pay further provided—

H 758, pages 923, 967, 1116, 1227, 1277, Act 498

## LAUDERDALE COUNTY

Education, superintendent of, may maintain offices anywhere in county—

H 746, pages 856, 1352, 1616, 1729, Act 602

Florence, city commission empowered to waive city taxes on certain annexed farm property—

H 316, pages 338, 571, 605, 645, Act 260

Reappraisal personnel authorized—

H 494, pages 994, 1051, 1149, 1246, Act 483

## LAWRENCE COUNTY

Circuit judge, salary supplement—

S 748, pages 961, 1013, 1082, 1651, 1679, 1700, Act 552

County officers, certain, compensation—

H 937, pages 841, 959, 1066, 1104, 1125, Act 431

## LAWRENCE COUNTY (Continued)

Sheriff, clerk for, appointment and compensation—

H 1015, pages 1028, 1347, 1601, 1726, Act 699—

H 1016, pages 1017, 1347, 1602, 1726, Act 700

## LEE COUNTY

County commission, members of, compensation—

S 336, pages 101, 572, 613, 1023, 1032, 1106, Act 389

S 338, pages 101, 572, 613, 1023, 1032, 1106, Act 391

Sheriff, salary increase—

S 629, pages 551, 756, 1056, 1651, 1678, 1700, Act 549

Sheriff's department, personnel and salaries provided—

H 688, pages 1175, 1352, 1614, 1728, Act 601

Taxes, privilege and license, levy and collection authorized—

H 768, pages 924, 1011, 1078, 1127, Act 416

## LIMESTONE COUNTY

Board of registrars, days of meeting and compensation further provided—

S 381, pages 149, 229, 328, 836, 911, 1106, Act 364

S 382, pages 150, 229, 329, 836, 912, 1106, Act 365

Certain county officers, compensation established—

S 472, pages 193, 230, 330, 873, 912, 1106, Act 366

County commission authorized to provide clerical and secretarial help to legislative delegation—

S 379, pages 149, 229, 328, 836, 911, 1106, Act 363

Court reporters, expense allowance provided—

S 710, pages 795, 917, 966, 1651, 1679, 1700, Act 551

Fire districts established, CA—

S 600, pages 545, 602, 763, 1073, 1102, 1698, Act 362

Fire districts or department, governing body authorized to establish, fire tax authorized—

S 593, pages 544, 602, 762, 1073, 1102, 1698, Act 405

Hunting and fishing licenses, authorized to charge convenience fee on sale of—

H 115, pages 340, 603, 765, 831, Act 349

License commission, county commission authorized to appoint—

H 757, pages 1076, 1352, 1614, 1728, Act 746

Superintendent and board of education compensation—

S 473, pages 193, 230, 331, 872, 912, 1106, Act 367

Thirty-ninth judicial circuit created in—

S 182, pages 49, 113, 246, 932, 992, 1106, Act 377

Volunteer fire departments, county commission authorized to spend public funds for operation of—

H 113, pages 340, 602, 764, 831, Act 348



## MACON COUNTY

- Branch banks authorized in—  
H 999, page 1020
- Officers of, certain, method of compensation—  
S 798, pages 1132, 1220, 1341
- Officials of, certain, placed on salary basis, CA—  
S 797, pages 1132, 1221, 1342
- Sheriff's department, criminal investigator for—  
S 3, page 18

## MADISON COUNTY

- Alcoholic beverages, stamp tax procedure prescribed—  
S 380, pages 149, 1213
- Awards committee appointment by county commission provided—  
S 93, pages 34, 659, 767, 1574, 1593, 1699, Act 523
- Barber examiners, board of established, powers and duties defined—  
H 138, pages 1029, 1047, 1139, 1171, Act 435—  
H 737, pages 1029, 1050, 1146, 1246, Act 490
- County and city jails, work-release program—  
H 706, pages 840, 1050, 1145, 1244, Act 488
- County commissioners empowered to authorize opening of graves in their districts—  
S 95, pages 35, 1213, 1331
- Fire districts established and taxes levied to support, CA—  
H 705, pages 840, 1049, 1144, 1723, 1780, Act 472
- Governing body authorized to establish fire districts or fire department, to adopt fire code and levy a fire tax—  
H 702, pages 839, 1049, 1144, 1244, Act 486
- Historian, county, appointment authorized—  
S 94, pages 34, 659, 767, 1574, 1593, 1699, Act 524
- Huntsville, run-off date for mayor and council members, changed—  
S 188, page 50
- Huntsville, run-off date for members of board of education, changed—  
S 187, page 49
- Law enforcement officers' bill of rights provided—  
H 904, pages 1022, 1051, 1147, 1245, Act 493
- Legislative office, county commission authorized to make appropriations—  
H 778, pages 839, 1050, 1146, 1245, Act 491
- Legislative office, Huntsville city council may make appropriations—  
H 779, pages 839, 1050, 1147, 1245, Act 492
- Repealing Act no. 608, 1973, temporary release of prisoners—  
H 704, pages 856, 1049, 1144, 1245, Act 487
- Repealing Act no. 895, 1975, pre-trial release—  
H 707, pages 856, 1050, 1146, 1245, Act 489

**MARENGO COUNTY**

Inmates on work-release program, deduction from wages for costs incident to confinement—

H 228, pages 175, 230, 331, 346, Act 20

Sheriff's department, compensation of employees further provided—

H 227, pages 174, 230, 331, 346, Act 19

**MARION COUNTY**

Superintendent of education, expense allowance—

S 774, pages 1003, 1047, 1139, 1651, 1679, 1700, Act 553

**MARSHALL COUNTY**

Board of education authorized to provide office space and equipment for county superintendent—

H 900, pages 996, 1351, 1613, 1728, Act 606

Board of registrars, salary commission to set salaries of members and employees—

S 711, pages 796, 918, 969, 1288, 1320, 1699, Act 510

Sheriff's department, salary increase for employees of—

S 576, pages 541, 756, 867, 1574, 1594, 1699, Act 526

**MOBILE COUNTY**

Board of health authorized to solicit and dispose of gifts, bequests, real estate or other things of value—

S 605, pages 546, 603, 765, 1176, 1210, 1698, Act 478

H 921, page 931

Board of registrars, activities and compensation further provided—

S 193, page 50

S 696, pages 707, 957, 1057, 1775, 1810, 2142, Act 884

S 697, pages 707, 957, 1057, 1775, 1810, 2142, Act 885

Board of school commissioners, filling of vacancies further provided—

H 1064, page 1239

Citronelle, boundaries rearranged—

S 736, page 851

H 919, pages 931, 1012, 1080, 1128, Act 376

County commissioner, secretary for each provided—

S 111, page 37

S 618, pages 548, 658, 766, 1177, 1210, 1698, Act 479

Home rule granted, CA—

S 427, page 172

Home rule granted, CA—

S 426, pages 172, 660, 769, 1328, 1620

Housing board employees placed under classified service of county personnel board—

H 908, page 1075

Law enforcement officers, constitutional rights provided and reconfirmed—

S 698, pages 707, 1214, 1332

## MOBILE COUNTY (Continued)

Mobile, city of, pension and relief system for policemen and firemen—

S 740, pages 912, 959, 1067, 1775, 1811, 2142, Act 887

H 1063, pages 1184, 1591, 1769, 1820, Act 862

Mobile, city of, preservation districts provided—

H 761, page 931

Retirement benefits for elected officials, provided—

S 699, pages 708, 1214, 1332

Satsuma, boundaries rearranged—

S 591, pages 544, 600, 758, 1176, 1210, 1698, 1988

H 585, pages 926, 958, 1059, 1104, 1124, Act 411

Three member county commission abolished and four-member commission created—

S 428, pages 172, 1115, 1221

Treasurer, county, expense allowance—

S 232, page 61

S 695, pages 706, 1214, 1331, 1775, 1810, 2142, Act 882

Wines, sale of, at retail any time except Sundays authorized—

H 970, pages 930, 1354, 1622, 1731, Act 634

## MONROE COUNTY

Board of education members, expense allowance—

S 676, pages 654, 863, 965, 1288, 1320, 1699, Act 508

Clerk of tax assessor may be employed as clerk of board of equalization—

H 1074, pages 1154, 1349, 1606, 1727, Act 838

Volunteer rescue squad, governing bodies of county and municipalities authorized to contribute to—

H 1072, pages 1153, 1355, 1625, 1732, Act 721

H 1073, pages 1153, 1350, 1611, 1730, Act 722

## MONTGOMERY COUNTY

Board of registrars, members of, additional compensation—

S 789, pages 1053, 1217, 1339, 1775, 1813, 2143, Act 883

H 1095, pages 1240, 1359, 1633, 1741, Act 845

County employees, certain, retirement credit allowed—

S 704, pages 768, 1010, 1069, 1551, 1699, Act 531

Governing body authorized to establish fire fighting districts and enter agreements with volunteer fire departments—

H 851, pages 839, 1012, 1079, 1128, Act 425

Invalid personal checks given for licenses, procedure for handling—

S 791, pages 1053, 1217, 1340, 1775, 1813, 2143, Act 832

H 1094, pages 1239, 1359, 1633, 1742, Act 844

License inspector placed on salary basis—

H 825, pages 838, 1012, 1079, 1128, Act 385

Littering public thoroughfares, penalty for—

H 826, pages 838, 1013, 1082, 1128, Act 420

## MONTGOMERY COUNTY (Continued)

Montgomery, city of, boundaries rearranged—

H 502, pages 925, 1048, 1141, 1171, Act 386

Montgomery, city of, mutual time exchange by members of fire department, further provided—

H 969, pages 1021, 1353, 1690, 1731, Act 633

Obscene material, certain, sale of regulated—

S 135, pages 41, 957

Pistol permit fees, increased—

S 790, pages 1053, 1217, 1339

Tax assessor placed on salary basis—

H 822, pages 855, 1011, 1078, 1127, Act 387

Tax collector placed on salary basis—

H 823, pages 838, 1011, 1079, 1127, Act 384

## MORGAN COUNTY

Board of education, members of expense allowance—

H 977, pages 924, 1354, 1621, 1731, Act 636

Board of registrars, act regulating compensation repealed—

S 334, pages 100, 225

Consolidation of public offices provided, CA—

S 578, pages 541, 601, 761

County commission, requirement of report in regard to public works, deleted—

H 976, pages 923, 1354, 1620, 1731, Act 635

County commissioners, salary—

S 615, pages 548, 602, 764, 1635, 1678, 1700, Act 547

County officers, certain, salary supplements and expense allowances—

H 1050, pages 1075, 1356, 1627, 1653, 1720, 1780, Act 726

Decatur, boundaries rearranged—

H 548, pages 347, 603, 964, 1039, Act 393

Decatur, merit system clarified as to consultants—

H 1003, pages 1026, 1346, 1600, 1726, Act 694

Flint city, boundaries rearranged—

H 948, pages 841, 1353, 1619, 1731, Act 631

Judge of probate, compensation—

S 616, pages 548, 602, 764, 1636, 1678, 1700, Act 548

License commissioner, compensation—

S 583, pages 543, 602, 762, 1574, 1594, 1699, Act 529

License inspector, office created—

S 582, pages 542, 602, 762, 1574, 1594, 1699, Act 528

Revenue commission, compensation—

S 613, pages 548, 602, 763, 1575, 1594, 1699, Act 530

## MORGAN COUNTY (Continued)

- Revenue commissioner, temporary expense allowance—  
S 581, pages 542, 601, 761, 1574, 1594, 1699, Act 527
- Sheriff's compensation, further regulated—  
S 614, pages 548, 602, 763, 1635, 1678, 1700, Act 546
- Sheriff's department, salaries and additional employees—  
H 1051, pages 1076, 1351, 1612, 1722, 1781, Act 727
- Tax, county privilege license levied in certain areas—  
H 1101, pages 1269, 1348, 1617, 1675, 1963, 1987, Act 742
- Trinity, Banks authorized to operate branches in—  
H 547, pages 347, 603, 964, 1039, Act 397
- Trinity, boundaries rearranged—  
H 856, pages 857, 1357, 1630, 1740, Act 627  
H 949, pages 842, 1354, 1622, 1711, Act 608

## PICKENS COUNTY

- Board of education, members of, expenses—  
S 579, pages 542, 603, 765, 1175, 1210, 1698, Act 477
- County governing body, members of, expense allowance—  
H 1136, pages 1572, 1592, 1771, 1821, Act 972

## PIKE COUNTY

- Walnut creek lake authority established—  
H 1022, pages 1076, 1351, 1614, 1728, Act 701

## RUSSELL COUNTY

- County officers, certain, placed on salary basis, clerk-hire allowance provided—  
S 689, pages 705, 794, 870, 1073, 1102, 1698, Act 408
- District court, judge expense allowance—  
S 667, pages 653, 711, 768, 1073, 1102, 1698, Act 407
- Fees, compensation, and court costs may be fixed or altered by legislature, CA—  
S 567, pages 359, 572, 613, 1024, 1033, 1106, Act 361
- Law library fees, taxing and collecting of to include court costs in district court cases—  
H 353, pages 338, 571, 605, 645, Act 262
- Phenix city, city manager authorized to appoint and remove officers and employees of city-owned utilities or service enterprises—  
H 897, pages 843, 1012, 1080, 1128, Act 426
- Phenix city, civil service system repealed—  
H 895, pages 842, 1352, 1615, 1729, Act 605
- Phenix city, pension and relief system—  
H 898, pages 843, 1353, 1618, 1730, Act 629
- Sheriff, compensation—  
H 896, pages 842, 918, 968, 1040, Act 404

**RUSSELL COUNTY (Continued)**

Voter registration further regulated—  
H 312, pages 336, 572, 606, 645, Act 258

**ST. CLAIR COUNTY**

Branch banks, authorized—  
H 1088, page 1238

County commission, travel and other expenses further regulated—  
S 658, pages 597, 1214, 1331

Governing body authorized to distribute certain beer tax revenues to certain agencies—  
S 796, pages 1054, 1217, 1340  
H 1156, pages 1567, 1590, 1768, 1819, Act 875

Governing body to provide civil service merit system for employees of sheriff's office—  
S 788, pages 1052, 1216, 1338, 1778, 1813, 2143, Act 831  
H 1087, pages 1238, 1588, 1752, 1962, 1962, Act 739

Moody high school named the "Roy and Vera B. Gibson high school"—  
H 648, pages 830, 1369

Pell city, boundaries rearranged—  
S 703, pages 768, 794, 871, 1176, 1211, 1563, 1698, Act 482

**SHELBY COUNTY**

Board of education, election and tenure provided—  
H 584, page 1236

Branch banks, authorized—  
H 1135, pages 1255, 1588, 1754, 1820, Act 871

Deputy registrars, appointment of—  
H 820, page 1237

District judge, expense allowance for—  
H 732, pages 853, 918, 969, 1039, Act 400

Members of personnel board for employees of county law enforcement offices, compensation of—  
H 906, pages 841, 959, 1066, 1125, Act 429

Mentally ill persons, temporary detention, care and handling provided—  
H 786, pages 1237, 1587, 1748, 1817, Act 859

Pelham boundaries rearranged—  
H 808, pages 926, 958, 1062, 1104, 1124, Act 418

**SUMTER COUNTY**

Board created to advise Alabama historical commission on matters having to do with fort Tombeckbee—  
H 188, pages 837, 1114, 1343, 1538, Act 516

Board of education, compensation of—  
H 1109, pages 1572, 1588, 1753, 1820, Act 868

County commission authorized to pay salaries of clerks for certain county officers—  
H 905, page 1152

## SUMTER COUNTY (Continued)

Probate judge, tax assessor and tax collector, compensation on salary basis, CA—  
H 482, page 837

## TALLADEGA COUNTY

Childersburg, pension and retirement system for employees of—  
S 491, pages 209, 322, 498, 1022, 1032, 1106, Act 394

Circuit court register, salary supplement—  
H 1001, pages 1025, 1355, 1623, 1732, Act 714

District judges, salary supplement—  
H 978, pages 923, 1052, 1149, 1721, 1718, Act 660

Lincoln, boundaries rearranged—  
H 318, pages 337, 571, 607, 976, 984, Act 379

Sheriff, salary of—  
H 1100, pages 1573, 1591, 1769, 1819, Act 865

Tax assessor and tax collector, compensation—  
H 1009, pages 1026, 1347, 1601, 1726, Act 696

Voting, regulation of, authority of governing body further defined—  
H 1002, pages 1025, 1346, 1599, 1725, Act 693

## TALLAPOOSA COUNTY

Alexander city, boundaries rearranged—  
H 663, pages 853, 1011, 1070, 1126, Act 412

County commissioners, compensation increased—  
H 1013, pages 1024, 1048, 1140, 1772

County officers, certain, salaries further regulated—  
H 1014, pages 1027, 1049, 1142, 1172, Act 437

Dadeville, boundaries rearranged—  
H 242, pages 336, 362, 500, 623, Act 256

Jury commission and clerk, compensation—  
H 1011, pages 1027, 1347, 1602, 1727, Act 697  
H 1012, pages 1027, 1347, 1602, 1727, Act 698

## TUSCALOOSA COUNTY

Alcoholic beverages, hours of sale further regulated—  
H 950, pages 1238, 1354, 1621, 1711, Act 692

Death certificates, health officers or administrators authorized to issue—  
H 783, pages 857, 1346, 1598, 1725  
H 788, pages 1237, 1587, 1748, 1817, Act 731

Defendant in criminal case may enter plea of not guilty prior to arraignment—  
S 264, page 66

## WALKER COUNTY

Board of registrars, deputy registrars authorized, duties and authority further provided—

H 1020, pages 1018, 1352, 1615, 1729, Act 702

Civil service system, county, municipalities authorized to participate in—

S 780, pages 1005, 1216, 1337, 1777, 1813, 2143, Act 891

H 1081, page 1183

H 1092, pages 1269, 1349, 1608, 1728, Act 839

District judges, compensation of—

S 735, pages 851, 918, 967, 1779, 1811, 2142, Act 886

Jasper utilities board, fees and expense allowances for board of directors—

S 691, pages 706, 794, 871, 1073, 1102, 1698, Act 406

Probate judge's office, license issuing division created—

S 781, pages 1005, 1216, 1338, 1777, 1813, 2143, Act 892

H 1090, pages 1239, 1348, 1604, 1724, Act 711

State correctional or penal institution, prohibiting location in without voter approval—

S 782, pages 1005, 1216, 1338, 1778, 1813, 2143, Act 830

H 1091, pages 1269, 1349, 1607, 1728, Act 712

Superintendent of education, salary further provided—

S 761, pages 1000, 1214, 1332, 1777, 1811, 2142, Act 888

Treasurer, county, expense allowance for—

H 1021, pages 1018, 1352, 1615, 1729, Act 703

Voters, registered, reidentification of—

H 781 pages 1025, 1346, 1599, 1725, Act 603

## WASHINGTON COUNTY

County governing body authorized to construct, maintain and repair certain roads leading to private dwellings—

H 104, pages 339, 572, 607, 645, Act 257

Notices by mail, certain, authorized—

H 986, pages 1031, 1115, 1222, 1278, Act 502

Personnel board established—

H 432, pages 341, 1592

Pistol permit fees increased—

H 105, pages 340, 794, 871, 936, Act 369

Poll officials, compensation—

H 1005, pages 1026, 1115, 1223, 1278, Act 503

Revenues collected from ad valorem taxes after reappraisal in excess of that collected prior thereto, shall be used for county roads and bridges—

H 1010, pages 1027, 1591

Sheriff, compensation—

H 985, pages 1030, 1115, 1222, 1278, Act 501



## WILCOX COUNTY

County law library fund and library board created, purposes and powers defined—

H 1110, pages 1271, 1358, 1632, 1740, Act 642

Pistol permit fees—

H 1111, pages 1254, 1358, 1632, 1740, Act 643

## WINSTON COUNTY

Highway department, state, authorized to maintain roads serving certain routes—

H 1054, pages 1238, 1351, 1611, 1730, Act 816

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RESOLUTIONS

## CONDOLENCES

Adams, mr. Charles Bert, death mourned—  
SJR 404, page 714

Applin, Richie and Bobby, deaths mourned—  
HJR 472, page 1014

Boutwell, hon. Albert Burton, death mourned—  
SJR 368, pages 348, 508, 525, 594, Act 120  
HJR 389, pages 334, 681, 690, Act 128

Brackett, John Kenneth, death mourned—  
HJR 82, pages 213, 626, 646, Act 122

Bryant, Bertrom Feist, death mourned—  
HJR 470, page 1014

Campbell, reverend Julius Verbon, death mourned—  
SJR 12, page 84

Cartee, Preston William, former police chief, death mourned—  
SJR 406, page 715

Chesnut, mrs. Mable Landers, death mourned—  
SJR 24, page 90

Collins, Neal Anderson, death mourned—  
HJR 109, pages 684, 1983, 2007, Act 743

Coulter, mr. Harold S., death mourned—  
HJR 18, pages 216, 844, 935, Act 373

Crittenden, Sylvester, death mourned—  
HJR 566, page 1578

Davis, major Harwell G., death mourned—  
SJR 3, pages 78, 683, 2010, 2018, 2144, Act 804

Davis, mr. Lloyd H., wishing a speedy recovery from illness—  
HJR 586, pages 1208, 1241, Act 566

Flannigan, mr. John I., death mourned—  
SJR 354, page 266

- Folsom, former governor James E. "Big Jim", speedy recovery from illness wished—  
SJR 369, pages 349, 677, 701, 789, Act 347
- Ford, dr. Henry Grady, death mourned—  
SJR 28, page 92
- Foster, dr. Maynard Vivian, death mourned—  
HJR 395, pages 684, 1983, 2008, Act 745
- Foster, mrs. N. D., death mourned—  
SJR 382, pages 581, 845, 2010, 2019, 2144, Act 681
- Halliday, dr. George B., death mourned—  
SJR 344, pages 199, 263, 677, 701, 788, Act 340
- Hawkins, Don A., death mourned—  
SJR 393, pages 662, 2010, 2019, 2144, Act 683  
HJR 451, page 647
- Hearn, hon. Glenn H., death mourned—  
SJR 33, pages 6, 287, 304, 593, Act 6  
HJR 5, page 107
- Humphrey, senator Hubert H., death mourned—  
SJR 333, pages 158, 180, 287, 304, 593, Act 13  
HJR 37, page 153
- James, general Daniel, jr., death mourned—  
HJR 423, page 622
- Johnson, mr. Ralph Mitchell, death mourned—  
SJR 8, page 82
- Mason, coach Sam, death mourned—  
HJR 440, pages 619, 679, 691, Act 134
- McKinsley, deacon Willis, death mourned—  
SR 389, page 642
- Moses, mr. Clarence Elbert, death mourned—  
HJR 394, pages 684, 1983, 2008, Act 744
- Peden, mrs. Frances, concern expressed—  
SJR 401, pages 703, 2011, 2020, 2144, Act 687
- Perloff, mrs. Rebecca, death mourned—  
SJR 413, pages 845, 2011, 2020, 2144, Act 688
- Pippin, Earl Clayton, death mourned—  
SJR 5, page 80  
SJR 39, pages 10, 290, 304, 593, Act 10  
SJR 336, pages 160, 195, 676, 700, 788, Act 337  
HJR 36, pages 154, 297, 343, Act 15
- Porter, Dale McVay, death mourned—  
HJR 438, pages 620, 962, 984, Act 360
- Pruett, mr. Herman T., regretting illness of—  
HJR 415, page 531
- Pruette, Samuel Clay, death mourned—  
SJR 346, pages 200, 263, 677, 700, 788, Act 341

- Qualls, mr. Cecil Garrett, death mourned—  
SJR 7, page 81
- Rowland, Robert Wilson, death mourned—  
SJR 6, page 81
- Scott, judge John B., death mourned—  
HJR 446, pages 619, 1118, 1119, 1170, Act 448
- Sewell, mr. Luke J., death mourned—  
SJR 396, pages 672, 2011, 2019, 2144, Act 685
- Smith, mr. Henry W., death mourned—  
SJR 9, page 82
- Snider, coach Euil, death mourned—  
HJR 645, pages 1742, 1819, Act 729
- Sullivan, mr. Frank, death mourned—  
HJR 90, page 285
- Swinson, Edward Anderson, death mourned—  
SJR 381, pages 580, 845, 2010, 2019, 2144, Act 680
- Tarvin, mr. Woodrow Wilson, death mourned—  
SJR 337, page 181
- Terrell, mr. E. Pascal, death mourned—  
SJR 384, page 582
- Thetford, judge William F., death mourned—  
SR 349, pages 202, 264  
HJR 6, page 109
- Tucker, coach Ernest Lester, death mourned—  
HJR 536, pages 1014, 1634, 1713, Act 785
- Turman, William, jr., death mourned—  
HJR 427, pages 622, 641, 685, Act 124
- Wells, police captain A. Carlos, death mourned—  
HJR 519, pages 878, 1289, 1537, Act 572
- Wheat, mr. Sam H., death mourned—  
SJR 367, pages 317, 677, 701, 788, Act 346
- Wood, mr. Thomas E., death mourned—  
SJR 13, page 85

## CONGRATULATORY

- Adcock, Mr. Larry, commended—  
HJR 541, pages 1014, 1634, 1713, Act 786
- Alabama A and M university commended—  
HJR 10, pages 110, 196, 363, Act 22
- Alabama crimson tide basketball team, commended—  
SJR 351, page 233

- Alabama development office and director, R. C. "Red" Bamberg, commended—  
HJR 457, page 647
- Allison, Bobby, congratulated—  
HJR 430, page 622
- Andalusia high school football champions, commended—  
SJR 380, pages 579, 845, 2010, 2019, 2144, Act 808
- Austin high school's team, commended—  
HJR 560, pages 1070, 1982, 2007, Act 751
- Barker, dr. Bob, sr., honored—  
SJR 358, pages 268, 298, 677, 700, 788, Act 343
- Bashinsky, mr. Sloan, commended—  
HJR 62, pages 194, 681, 690, Act 126
- Belcher, coach Oba, honored—  
HJR 524, pages 919, 1118, 1119, 1170, Act 452
- Bell, mr. J. D. "Jimmy", commended—  
HJR 61, pages 194, 298, 343, Act 17
- Binion, Terry, commended—  
HJR 402, pages 683, 1156, 1250, Act 558
- Birmingham junior league, commended—  
SJR 376, pages 575, 2010, 2019, 2144, Act 807
- Birmingham-southern basketball team, commended—  
HJR 516, pages 1016, 1289, 1537, Act 456
- Bobo, Jerry, commended—  
HJR 55, pages 290, 1661, 1735, Act 793
- Bowles, mr. Robert Lee, honored—  
HJR 84, pages 289, 1289, 1537, Act 570
- Brantley high school, commended—  
SJR 448, pages 1585, 2014, 2020, 2144, Act 811
- Brown, Carlton, junior, commended and congratulated—  
SR 445, page 1549
- Bryan, mr. W. R., honored—  
HJR 13, pages 110, 196, 363, Act 23
- Burnett, mrs. Margaret, commended—  
HJR 455, pages 648, 1118, 1119, 1170, Act 449
- Burns, mr. Hal, commended—  
HJR 512, pages 1013, 1118, 1119, 1170, Act 451
- Bush, dr. J. D., retirement honored—  
SJR 23, page 90
- C. W. Hayes high school students named to all-city basketball squad, congratulated—  
HJR 486, pages 692, 844, 936, Act 358

- Cagle, mr. E. F., honored—  
HJR 610, pages 1562, 1714, Act 789
- Campbell, Dave, honored—  
HJR 520, pages 1009, 1040, Act 442
- Carlston, mr. E. W., retirement honored—  
SJR 22, page 89
- Charles Henderson high school band, commended—  
SJR 395, pages 671, 2014, 2019, 2144, Act 684  
HJR 409, pages 531, 683, 690, Act 131
- Clements, miss Cheryl, commended—  
HJR 614, pages 1562, 1714, Act 781
- Cleveland, mrs. Diane, Commended—  
HJR 26, page 216
- Clewis, mr. W. C., commended—  
HJR 518, pages 832, 868, Act 355
- Coley, Robert C., congratulated—  
SJR 397, pages 686, 845, 2011, 2019, 2144, Act 686
- Craig, mr. and mrs. Edward E., congratulated and honored—  
SJR 374, pages 535, 2010, 2019, 2144, Act 806
- Crews, miss Roslyn, commended—  
SR 434, page 1151
- Crowder, mrs. Clara S., commended—  
HJR 456, pages 647, 1118, 1119, 1170, Act 450
- Cunningham, Susan, commended—  
HJR 481, pages 682, 1156, 1251, Act 561
- Davis, Frederick Howard, sr., commended—  
SJR 433, pages 1042, 1742, 1813, 2143, Act 663
- Dowdy, Kimberly, congratulated—  
HJR 462, page 1014
- Drew, mrs. Addine, honored—  
HJR 555, pages 1077, 1129, Act 446
- Duncan, mr. and mrs. Arthur, congratulated—  
HJR 562, page 1577
- Embry, judge Frank B., congratulated—  
HJR 592, pages 1277, 1537, Act 575
- Enterprise high school band, commended—  
SJR 385, page 583  
HJR 436, page 620
- Eufaula high school basketball champions, congratulated—  
HJR 478, page 682
- Explorer scout post 309, commended—  
SJR 457, pages 1815, 2011, 2020, 2144, Act 814

FFA at fifty, congratulated—

HJR 428, pages 622, 1155, 1251, Act 560

Fann, miss LaVelda, congratulated—

SJR 10, page 83

Fleming, mr. Aubrey H., honored—

HJR 570, pages 1073, 1982, 2007, Act 752

Forbes, rev. Isaac L., commended—

HJR 48, page 286

Fox, Al, jr., commended—

SJR 414, pages 846, 2011, 2020, 2144, Act 809

HJR 571, pages 1041, 1124, Act 445

Foy, dr. James E., retirement honored—

SJR 331, pages 156, 196, 676, 700, 788, Act 336

Freeman, Donald W., commended—

HJR 631, page 1656

G. W. Carver high school basketball champions, congratulated—

HJR 484, pages 692, 844, 936, Act 356

G. W. Carver high school students on all-city basketball squad, congratulated—

HJR 485, pages 692, 844, 936, Act 357

Gaines, miss. Priscilla, congratulated—

SJR 394, pages 671, 2011, 2019, 2144, Act 757

Gamble, Oscar commended—

HJR 47, page 286

Gammell, mrs. Pearle E., honored—

SJR 352, pages 234, 263, 677, 700, 789, Act 342

Gardendale rockettes, commended—

HJR 86, pages 289, 680, 690, Act 127

George C. Marshall space flight, commended—

HJR 103, page 310

Glover, coach Jim, commended—

SJR 26, page 91

Green, mr. Hubert, honored—

HJR 585, pages 1208, 1292, Act 565

Greenough, Gary and Francis, congratulated—

HJR 450, page 647

Grimes, dr. O. R., commended—

SJR 14, page 85

Grissom high school band, commended—

SJR 340, pages 182, 263, 676, 700, 788, Act 338

Halbrook, mr. and mrs. Chelsa, congratulated—

HJR 561, page 1577

- Hall of fame promoters, congratulated—  
SJR 35, pages 7, 290, 304, 593, Act 8  
HJR 20, pages 216, 1289, 1537, Act 568
- Hardy, mr. Richard, commended—  
HJR 25, page 216
- Hart, Taylor, congratulated—  
HJR 477, page 682
- Harvey, dr. William R., commended and congratulated—  
SR 429, page 987
- Hearin, mr. William J., congratulated—  
HJR 449, pages 646, 756, Act 353
- Highway department, state, commended—  
HJR 53, pages 175, 1156, 1250, Act 554
- Hildreth, Andrew G., congratulated—  
HJR 396, pages 684, 1983, 2008, Act 748
- Hill, senator Lister, honored—  
SJR 365, pages 316, 351, 677, 701, 788, Act 345
- Hoover raiders, commended—  
HJR 19, pages 216, 681, 690, Act 125
- Horne, miss Teresa, congratulated—  
HJR 73, page 286
- Houston, miss Julie, commended—  
HJR 429, page 622
- Huntsville northwest all-stars, commended—  
HJR 33, page 105
- Jarvis, Tracy W., commended—  
SR 426, page 983
- Jefferson state women's gymnastic team, congratulated—  
HJR 549, pages 991, 1118, 1119, 1170, Act 454
- Jones, dr. Moses W., commended—  
HJR 50, page 286
- Jordan, Jake, extended best wishes—  
SJR 456, page 1814
- Junior miss pageant contestants, congratulated—  
HJR 39, pages 161, 163, 165, Act 3
- Kauffman, Kellye, honored—  
SR 387, page 626
- Kelley, miss Deborah Ann, commended—  
HJR 534, pages 939, 1155, 1251, Act 564
- Kinsey, Edgar Eugene, commended—  
HJR 528, pages 1115, 1634, 1713, Act 784
- Kirkendoll, bishop Chester Arthur, commended—  
SR 423, page 960

- Kiwanis club of Clanton, congratulated—  
HJR 417, pages 531, 1156, 1251, Act 559
- Labarre, mr. E. E., 100th birthday noted—  
HJR 439, pages 619, 679, 691, 832, Act 133
- Leach, miss Clare, commended—  
SJR 11, page 83
- Legislative wives club, appreciation expressed—  
SJR 458, pages 1822, 2011, 2020, 2144, Act 815  
HJR 591, pages 1277, 1537, Act 574
- Lindsey, George, congratulated—  
SJR 459, pages 1822, 2011, 2020, 2144, Act 689
- Love, rev. and mrs. Will, congratulated—  
HJR 567, page 1578
- Lowrey, mr. Cornelius W., honored—  
SJR 370, pages 355, 1156  
HJR 393, pages 348, 351, 354, Act 14
- Lucas, dr. Mel, recognized—  
HJR 422, pages 536, 557, Act 25
- Marona, miss Mildred, congratulated—  
SJR 15, page 86
- Marshall, Adrienne, commended—  
SR 425, page 982
- Marston, Rose and Lanaux, commended—  
HJR 411, page 531
- Martin, mr. L. W. "Bill", commended—  
HJR 587, pages 1208, 1291, Act 567
- McClusky, Daniel Otis, jr., commended—  
SJR 343, pages 199  
HJR 46, page 176
- McKinney, coach Kenneth Harold and Stevenson high school football  
champions, commended—  
HJR 83, pages 289, 1289, 1537, Act 569
- Meeks, judge J. Paul, honored—  
HJR 398, pages 507, 681, 690, Act 130
- Miller, senator Wallace, appreciation expressed—  
SR 399, page 699
- Mills, Michael, commended—  
SJR 29, pages 93, 297, 518, 525, 594, Act 118
- Missildine, warrant officer Carroll, congratulated—  
HJR 89, pages 285, 1156, 1250, Act 455
- Moates, Scott, congratulated—  
HJR 463, page 1014
- Morris, mrs. Joyce, appreciated—  
HJR 491, page 1009



- Monrow, mr. and mrs. Robert, congratulated—  
HJR 564, page 1577
- Motes, David, commended—  
HJR 24, page 216
- Nachman, mr. Roland, commended—  
SJR 452, page 1683  
SR 453, page 1684
- Naramore, Andy, honored—  
HJR 598, page 1287
- Nation, mr. Herbert, happy birthday wished—  
SJR 32, pages 5, 287, 304, 593, Act 5
- Oakley, James W., sr., honored—  
SJR 36, pages 7, 1530, 1563, 1699, Act 459
- Parsons, police chief James C., commended—  
HJR 600, page 1277
- Pate, mr. Harold, commended—  
HJR 612, page 1562
- Pearson, senator J. Richmond, birthday greetings extended—  
SR 44, page 75
- Peek, mr. Bruce, birthday wishes extended—  
SJR 49, pages 122, 287, 304, 593, Act 12
- Phenix City junior all star team congratulated—  
HJR 17, pages 216, 844, 935, Act 371
- Phillips, Doyle, family commended—  
HJR 74, page 286
- Pittman junior high school football team, commended—  
SJR 372, pages 533, 2010, 2019, 2144, Act 805  
HJR 503, page 1010
- Plyler, miss Bonnie congratulated—  
HJR 565, page 1578
- Postmasters', commended—  
HJR 576, pages 1236, 1634, 1713, Act 787
- Ray, James L., jr. commended—  
HJR 97, pages 287, 1155, 1250, Act 557
- Richardson, mr. and mrs. Earl, congratulated—  
HJR 563, page 1577
- Robinson, mr. F. D. "Rob", commended—  
HJR 94, pages 311, 845, 936, Act 372
- Rural development committee, Clay county, commended—  
HJR 527, page 1015
- Rural development committee, Cleburn county, commended—  
HJR 526, page 1015

- Savage, miss Bess, honored—  
HJR 56, pages 290, 1661, 1735, Act 794
- Savage, mr. J. L., retirement honored—  
SJR 405, page 714
- Shepard, Cathy Franchette, commended—  
SR 418, page 865  
SJR 419, pages 866, 2011, 2020, 2144, Act 810
- Smith, mrs. Rachel, honored—  
HJR 569, page 1578
- Smith, mayor W. R., honored—  
SJR 438, page 1308
- Sparkman, senator John, commended—  
HJR 92, page 334
- Stanley, mr. John A., sr., commended—  
SJR 332, pages 157, 298
- Steinbrenner, mr. George, commended—  
SR 403, page 712
- Stevenson high school football champions and coach Kenneth Harold McKinney, commended—  
HJR 83, pages 289, 1289, 1537, Act 569
- Stewart, Willie, congratulated—  
HJR 403, pages 683, 1289, 1537, Act 571  
HJR 473, page 1015
- Stifflemire, mr. Leslie, commended—  
SJR 37, pages 8, 290, 304, 593, Act 9
- Taylor, judge Sam, congratulated—  
SJR 348, pages 201, 264  
HJR 7, page 107
- Terminal restaurant of Mobile recognized—  
HJR 517, pages 832, 868, Act 354
- Thomas, Rex, Commended—  
SJR 342, pages 198, 676, 700, 788, Act 339  
SJR 347, page 201
- Thomas, mrs. Sarah L., commended—  
SJR 25, page 91
- Troy state university and its president, dr. Ralph W. Adams, honored—  
HJR 575, pages 1235, 1370, 1539, Act 573
- Trammell, miss Tera, Commended—  
SJR 16, page 86
- Trussell, chief William J., jr., commended—  
HJR 441, pages 619, 679, 691, Act 135
- Turnham, representative Pete, congratulated—  
SJR 451, pages 1670, 2014, 2020, 2144, Act 813

- University of Montevallo, commended—  
HJR 60, pages 194, 298, 343, Act 16
- University of Montevallo, dedication of baptist student center, commended—  
HJR 557, pages 1071, 1983, 2007, Act 750
- Vacca, senator Pat, gratitude expressed—  
SJR 391, page 660
- Vickrey, James F. honored—  
HJR 77, pages 290, 1156, 1250, Act 555
- Vincent study club, commended—  
HJR 529, pages 920, 1983, 2007, Act 749
- W. J. Christian school, appreciation of legislature for honor—  
SJR 386, pages 617, 2010, 2019, 2144, Act 682
- Walker, dr. James E., commended—  
HJR 442, pages 619, 679, 691, Act 136
- Walker, Harry, honored—  
HJR 96, pages 287, 1156, 1250, Act 556
- Walker, mr. Ion S., commended—  
HJR 34, pages 6, 289, 304, 593, Act 7
- Walter Welborn high school, commended—  
HJR 52, pages 176, 844, 935, Act 374
- Waterloo high school football team, commended—  
HJR 68, page 195
- Waters, mr. and mrs. Hinton, congratulated—  
HJR 467, pages 649, 1028, 1040, Act 441
- White, miss Cathy F., commended—  
SR 427, page 983
- White, Rev. Byron, commended—  
HJR 57, pages 291, 1661, 1736, Act 795
- Williams, rev. Willie, commended—  
HJR 49, page 286
- Winfield city high school girls basketball team, commended—  
HJR 482, pages 682, 1156, 1251, Act 562
- Wright, dr. William T., commended—  
HJR 548, page 991

## LEGISLATIVE

- Adjournment and meeting days of—  
SJR 40, page 11  
SJR 357, pages 268, 278, 313  
HJR 404, page 514  
HJR 408, pages 557, 584, 644, Act 121  
HJR 488, pages 716, 1205, 1251, Act 563

Blacks, employment of by legislative offices encouraged—

SJR 454, page 1693

HJR 638, pages 1693, 1981

Burt Reynolds and Sally Fields, invited to address legislature—

SJR 361, page 300

HJR 104, page 311

Business and labor relations committee, senate, allowed to meet during interim to study labor-management bills—

SJR 17, page 87

Cafeteria in capitol to remain open on legislative days—

HJR 630, pages 1655, 1983, 2008, Act 755

HJR 637, pages 1685, 1694, Act 577

Elections on constitutional amendments proposed in 1978 regular session, common dates for set—

SJR 422, pages 947, 1646, 1677, 1699, Act 533

Equal rights to women, ratifying proposed amendment to U. S. constitution—

SJR 334, pages 158, 264

Governor, joint session to hear—

HJR 3, pages 5, 103, 126, Act 2

Governor, notified legislature in session—

HJR 2, pages 4, 102, Act 1

Gun control regulations, new, legislature opposed to—

HJR 615, pages 1576, 1671, 1737, Act 803

House joint resolution 535 rescinded—

HJR 544, page 942

Joint interim committee on employee retirement, proposed—

SJR 30, page 94

Joint interim committee on energy, created—

HJR 616, page 1637

Joint interim committee on municipal government, created—

HJR 78, page 1394

Joint interim committee on salary comparability of educators, created—

SJR 355, page 266

Joint interim committee to study court management, created—

HJR 12, pages 108, 181

Joint interim committee to study economical impact of the business enterprises of the unification church on the seafood and related businesses, created—

HJR 464, pages 1535, 2009, 2012, 2107, 2129, Act 762

Joint interim committee to study functions of department of conservation and natural resources, created—

HJR 101, page 1534

Joint interim committee to study hydroelectric generating utilization,  
created—  
HJR 34, page 152

Joint interim committee to study license tags, created—  
HJR 11, page 110

Joint interim study committee on prison system and inmate release,  
created—  
SJR 353, page 265

Joint interim study committee on state university budget recommendations, created—  
SJR 341, page 183

Judicial compensation commission, state, adopting report of—  
SJR 338, page 181  
SJR 359, page 299  
HJR 508, page 792

Legislative intent of King amendment to Peden substitute for house bill  
400  
SJR 410, page 805

Legislative litigation funds—  
SJR 407, page 715

Legislature, appreciation of honor from W. J. Christian School—  
HJR 468, pages 1014, 1634, 1713, Act 783

Medicare and medicaid programs, legislative committee to study cost of,  
date for filing report postponed—  
HJR 8, pages 109, 180

Medicare and medicaid programs, select joint committee to study continued—  
HJR 620, page 1638

Printed journals of both houses for first and second special sessions of  
1977 to be bound together in one volume—  
SJR 363, page 315

Priority of bill consideration set  
SJR 20, page 89

Senate district seat 25, procedure relative to—  
SJR 398, page 698

Senate, hours for transaction of business—  
SR 31, page 3

Senate, speaking times for state-wide candidates specified—  
SR 335, page 159

Sparkman, senator John, invited to address legislature—  
HJR 102, page 310

Special order calendar adopted—  
SR 362, page 313  
SR 375, page 538  
SR 388, page 627

SR 390, page 650  
SR 400, page 702  
SR 408, page 787  
SR 409, page 803  
SR 411, page 835  
SR 420, page 910  
SR 421, page 946  
SR 430, page 998  
SR 431, page 1038  
SR 435, page 1166  
SR 436, page 1208  
SR 439, page 1327  
SR 441, page 1366  
SR 442, page 1371  
SR 443, page 1384  
SR 444, page 1393  
SR 337, page 1584  
SR 455, pages 1717, 1816

Supreme court, advisory opinion requested relative to house bill 94—  
SR 378, pages 577, 876

Supreme court, advisory opinion requested relative to house bill 990—  
SR 440, pages 1361, 1653

Supreme court, advisory opinion requested relative to senate bill 759—  
SR 432, pages 1041, 1120

Supreme court, associate justices of, invited to attend joint session of  
legislature—  
SJR 46, page 120

Torbert, chief justice C. C., invited to address legislature—  
HJR 9, page 106

White, John C., invited to address legislature—  
SJR 371, page 533  
HJR 431, pages 603, 604, 646, Act 123

Aged Alabamians, comments relative to, by public health officials, op-  
posed—  
SJR 461, page 1984

"Alabama's forgotten victims week", February 6 through February 10,  
1978 proclaimed as—  
SJR 19, page 88

Alcohol, decisions of education commission of states' task force, concur-  
red in by legislature—  
SJR 428, pages 985, 1661

Arts hall of fame, location and membership changed—  
SJR 377, pages 575, 711, 1530, 1563, 1699, Act 458

Associated press football poll censured—  
SJR 41, page 11

Birmingham festival of arts designated as the official state arts festi-  
val—  
SJR 21, pages 89, 711, 1530, 1563, 1699, Act 457

Calagaz, mrs. Ann, appointment to national highway safety advisory committee, urged—  
SJR 366, pages 317, 351, 508, 525, 594, Act 119

Channel 12, petition before federal communications commission to remove from Montgomery, opposed—  
SJR 379, page 578  
HJR 412, pages 529, 682, 690, Act 132

Congress and president Carter memorialized to assist in restoring balance of American agriculture—  
SJR 47, page 121  
HJR 31, pages 104, 180, 184, Act 4

Congress and president Carter memorialized to provide remedial measures for American farmers—  
SJR 27, page 92  
SJR 364, pages 315, 343, 677, 701, 788, Act 344  
HJR 390, page 345

Congress memorialized to pass bills relative to social security deposits—  
SJR 437, page 1240  
HJR 589, pages 1232, 1660, 1736, Act 802

Congress memorialized to refuse to ratify Panama Canal treaties—  
SJR 4, page 78

Congress memorialized to reject proposals for extending time for ratification of ERA amendment—  
HJR 66, page 194

Congress memorialized to require that federal appropriations not exceed estimated federal revenues—  
SJR 1, page 76

Congressional delegation urged to investigate consolidation of Maxwell air force base with the air force training command—  
HJR 532, pages 922, 1118, 1119, 1170, Act 453

Conservation department, Alabama, urged to centralize all boat registrations—  
HJR 611, pages 1568, 2109, 2138, Act 763

Deploring conditions of U. S. highway no. 80  
SR 43, pages 13, 1661

Endorsing concept of outer continental shelf oil and natural gas revenue sharing—  
SJR 339, page 182

Football poll, annual legislative, created—  
HJR 29, page 105

Fuel, economy standards for 1980-81 vehicles, legislature opposed—  
SJR 383, page 581

Highway department requested to erect markers on Alabama river on I-65 in Montgomery—  
HJR 550, page 1015

Highway department, requested to erect signs, directing motorists to farmers' market, Birmingham—

HJR 434, pages 621, 1660, 1736, Act 799

Highway department, requested to erect signs on I-20 indicating Anniston exits—

HJR 582, pages 1235, 1660, 1736, Act 800

Highway department, urged to schedule prompt undertaking of Mount Olive church interchange on I-59

HJR 601, pages 1275, 1659, 1712, Act 788

"Live in a landmark" council members appointed as board of directors and granted certain authorities—

HJR 543, pages 938, 1660, 1736, Act 823

Merit system security for political appointees, censured—

SR 373, page 534

Millbrook festival, tenth annual, designated official Montgomery armed forces day celebration—

HJR 397, pages 347, 679, 690, Act 129

Mobile, city commission of, to halt efforts to develop Houston street extension—

HJR 79, page 214

Naming bridge on U. S. highway 10 for Glenn Moody—

HJR 392, pages 344, 756, 1041, 1124, Act 444

Naming "C. F. Rehling laboratories"—

HJR 629, pages 1645, 1712, Act 790

Naming Dallas county highway 38, the "Lurleen B. Wallace drive"—

SJR 412, pages 835, 1530, 1563, 1699, Act 464

Naming "Ernest Stone hall" at Jacksonville state university—

HJR 583, pages 1234, 1660, 1736, Act 825

Naming H. B. 452 the "Thomas Reed bill"—

SJR 462, pages 2128, 2137, 2141, Act 690

Naming industrial training center at Bessemer state technical college, "Millsap industrial training center"—

SJR 450, page 1667

HJR 624, page 1636

Naming "jubilee parkway"—

HJR 535, page 937

Naming portion of Bibb county road #12 for former senator Walter C. Givhan—

SJR 38, pages 9, 1537, 1563, 1699, Act 460

Naming portion of highway 68 the "J. B. Burkhalter highway"—

HJR 424, pages 1396, 1660, 1736, Act 796

Naming road in commemoration of mr. Elmer N. Wright—

HJR 531, page 921

Naming the allied health building at George C. Wallace community college for mrs. Nell Espy Gary—

SJR 424, page 962



- Naming the Auburn union building for dr. James E. Foy—  
SJR 402, pages 711, 1530, 1563, 1699, Act 463
- Naming the auditorium, Jefferson Davis junior college, the "Woodfin-Patterson auditorium"—  
HJR 625, pages 1642, 1982, 2007, Act 753
- Naming the E. M. "Ed" Frazier building at John C. Calhoun state community college—  
SJR 330, pages 155, 195, 1530, 1563, 1699, Act 461
- Naming the "E. M. 'Ed' Frazier north Alabama regional hospital"—  
SJR 329, page 155  
SJR 350, pages 202, 1530, 1563, 1699, Act 462
- Naming the "Earl Goodwin center" at George C. Wallace community college, Selma—  
SJR 460, page 1823
- Naming the "Jim Frank Weed bridge"—  
SJR 392, page 662
- Naming the "Jordan crossroads"  
HJR 426, pages 1398, 1660, 1736, Act 798
- Naming the life science and student services building at university of Alabama in Birmingham for dr. George W. Campbell—  
SJR 356, pages 267, 279, 313, 388, 593, Act 117
- Naming the museum, Jefferson Davis state junior college, the "Thomas E. McMillan museum"—  
HJR 626, pages 1641, 1983, 2007, Act 754
- Naming the "Sewell-Thomas field at the university of Alabama—  
SJR 415, pages 863, 1096, 1102, 1698, Act 443  
HJR 525, pages 919, 1983, 2014, 2015, Act 756
- Naming the "Thomas D. and Julia W. Russell hall" at university of Alabama—  
SJR 417, page 864
- Naming the university of Alabama golf course the "Harry H. Prichett golf course"  
SJR 416, page 864
- Naming the "Vickie Davis Mackey road"—  
HJR 425, pages 1398, 1660, 1736, Act 797
- Naming the U. S. highway 84, the blue star memorial highway—  
HJR 410, page 528
- Naming the U. S. highway 280 "the Jim Nabors highway"—  
HJR 27, page 1571  
HJR 76, pages 215, 263
- National fire academy and national fire protection and control administration, abolition of, opposed—  
HJR 107, pages 312, 1118, 1119, 1170, Act 447
- People's right to keep and bear arms, reaffirming legislative support of—  
HJR 489, pages 334, 681, 690, Act 128

Poultry and egg week, Alabama, designated week of May 28-June 3—  
HJR 602, pages 1275, 1537, Act 576

President Carter memorialized to consider tax reform package—  
SJR 360, page 299

President Carter memorialized to support the emergency agricultural  
act of 1978  
HJR 588, pages 1233, 1660, 1736, Act 801

Railroad crossings in Montgomery to be equipped with flashing signals—  
HJR 559, page 1071

Rasco, William Earl appointment of by president Carter to board of  
directors of the Tennessee valley authority recommended—  
SR 446, page 1565

Revenue department requested to abide by and implement Act no. 594,  
1977 providing operating loss carryback for income tax purposes—  
HJR 511, page 791

Senior citizens, commending businesses who make available discounts  
on merchandise to—  
SJR 345, page 200

Social security system, congress notified of intent of legislature regarding—  
HJR 23, page 1397

State employees, using state motor vehicles, to purchase gasoline at  
self-service pumps—  
HJR 38, pages 161, 1660, 1735, Act 792

Talladega scenic drive, endorsing development of—  
HJR 98, page 310

Tomatoes, recognizing the importance of to the economy of the state of  
Alabama—  
SJR 449, pages 1635, 2014, 2020, 2144, Act 812

United press international football poll censured—  
SJR 42, page 12

United states senate memorialized to vote against ratification of  
Panama canal treaty—  
SJR 2, page 77  
SJR 18, page 87  
HJR 85, pages 288, 353, 354, 362, Act 24

Vehicle identification, standardized system of, requested of national  
highway traffic safety administration—  
HJR 93, page 333

Wallace, governor George C., apology of senate to—  
SR 45, pages 96, 103

## SUNSET

- Academy of honor, Alabama, continued—
  - SJR 258, page 136
  - HJR 220, pages 417, 447, 634, Act 179
- Advisory committee on factory built housing, terminated—
  - SJR 93, page 136
  - HJR 344, pages 397, 718, Act 288
- Advisory council for the governor's committee on employment of the handicapped, continued—
  - SJR 119, page 130
  - HJR 370, pages 465, 468, 720, Act 313
- Agricultural and industrial exhibit commission, continued—
  - SJR 255, page 136
  - HJR 217, pages 417, 446, 634, Act 176
- Agricultural center board, continued—
  - SJR 256, page 136
  - HJR 218, pages 417, 446, 634, Act 177
- Agricultural center corporation, Alabama, continued—
  - SJR 260, page 160
  - HJR 222, pages 417, 447, 635, Act 181
- Alabama A & M university, continued—
  - SJR 257, page 136
  - HJR 219, pages 417, 446, 634, Act 178
- Alabama state bar and Alabama board of bar examiners, continued—
  - SJR 109, page 129
  - HJR 360, pages 464, 466, 719, Act 304
- Alabama state university, continued—
  - SJR 284, page 137
  - HJR 245, pages 419, 453, 636, Act 201
- Alabama technical college, continued—
  - SJR 285, page 137
  - HJR 247, pages 420, 453, 637, Act 203
- Alabama trade school and junior college authority, continued—
  - SJR 91, page 128
  - HJR 342, pages 477, 490, 718, Act 286
- Alcoholism and drug abuse advisory council on, continued—
  - SJR 254, page 136
  - HJR 216, pages 417, 446, 634, Act 175
- Alexander city state junior college, continued—
  - SJR 288, page 138, 364, 385, 388, 593, Act 99
- Ameraport deep-draft harbor and terminal commission, continued—
  - SJR 289, pages 138, 364, 385, 388, 594, Act 100
- Appalachian regional commission, continued—
  - SJR 290, pages 138, 365, 385, 388, 394, Act 101
- Archeological advisory council, continued—
  - SJR 291, pages 138, 365, 386, 388, 394, Act 102

- Archives and history, Alabama department of, continued—  
SJR 268, page 136  
HJR 230, pages 418, 449, 635, Act 187
- Archives and history department, board of trustees, continued—  
SJR 307, page 138  
HJR 269, pages 454, 458, 637, Act 209
- Armed forces day commission, continued—  
SJR 292, pages 138, 365, 386, 388, 594, 103
- Art commission, continued—  
SJR 61, page 127  
HJR 312, pages 475, 483, 640, Act 248
- Arts and humanities, Alabama council on, continued—  
SJR 267, page 137  
HJR 229, pages 418, 449, 635, Act 186
- Athens state college, continued—  
SJR 293, pages 138, 365, 386, 388, 594, Act 104
- Atmore state technical institute, continued—  
SJR 294, pages 138, 366, 386, 388, Act 105
- Auburn university system, continued—  
SJR 295, pages 138, 366, 386, 388, 394, Act 106
- Auctioneers, state board of, continued—  
HJR 135, pages 497, 722, Acts 335
- Auctioneers, state board of, terminated—  
SJR 223, page 134
- Aviation and technical college, Alabama, continued—  
SJR 261, page 136  
HJR 223, pages 417, 448, 635, Act 182
- Aviation exhibit commission, Alabama, terminated—  
SJR 262, page 136  
HJR 224, pages 379, 501, Act 35
- Barber examiners, board of, continued—  
SJR 74, page 127  
HJR 325, pages 476, 486, 717, Act 270
- Bear creek development authority, continued—  
SJR 296 pages 138, 366, 386, 388, 594, Act 107
- Beautification board, continued—  
SJR 297, pages 138, 367, 386, 388, 594, Act 108
- Bessemer state technical college, continued—  
SJR 298, pages 138, 367, 386, 388, 594, Act 109
- Bicentennial commission, terminated—  
SJR 299, pages 138, 367, 386, 388, 594, Act 110
- Big Nance watershed conservancy, continued—  
SJR 300, pages 138, 370, 386, 389, 594, Act 111

- Birmingham festival of arts, continued—  
SJR 301, pages 138, 370, 386, 389, 594, Act 112
- Birmingham training center for brain injured children, continued—  
SJR 302, pages 138, 371, 386, 389, 594, Act 113
- Bishop state junior college, continued—  
SJR 303, pages 138, 371, 387, 389, 594, Act 114
- Bond commission for contruction of mental health facilities, continued—  
SJR 90, page 128  
HJR 341, pages 477, 490, 718, Act 285
- Bond commission 1951, continued—  
SJR 308, page 138  
HJR 270, pages 454, 458, 637, Act 210
- Brewer state junior college, continued—  
SJR 310, page 139  
HJR 271, pages 455, 458, 637, Act 211
- Building authority, continued—  
SJR 64, page 127  
HJR 315, pages 475, 484, 641, Act 251
- Building commission, continued—  
SJR 311, page 139  
HJR 272, pages 455, 458, 637, Act 212
- Building corporation, Alabama, continued—  
SJR 263, page 136  
HJR 225, pages 417, 448, 635, Act 183
- Building finance authority, Alabama, continued—  
SJR 264, page 136  
HJR 226, pages 418, 448, 635, 184
- Bureau of publicity and information (department and board), continued—  
SJR 312, page 139  
HJR 273, pages 455, 459, 637, 213
- Cahaba river commission, continued—  
SJR 313, page 139  
HJR 274, pages 455, 459, 637, Act 214
- Camp sanitation and safety advisory committee, continued—  
SJR 314, page 139  
HJR 275, pages 455, 459, 637, Act 215
- Canvassers of election returns, board of, terminated—  
SJR 104, page 129  
HJR 355, pages 399, 719, Act 299
- Capitol, state, preservation commission, continued—  
SJR 224, page 135  
HJR 136, pages 408, 426, 504, Act 59
- Carver state technical trade school, continued—  
SJR 315, page 139  
HJR 276, pages 455, 460, 638, Act 216

- Certification of water and waste water system personnel, board of, continued—  
SJR 75, page 127  
HJR 326, pages 476, 487, 717, Act 271
- Chattahoochee historic commission, continued—  
SJR 316, page 139  
HJR 277, pages 455, 470, 638, Act 217
- Chattahoochee valley community college, continued—  
SJR 317, page 139  
HJR 278, pages 455, 460, 638, Act 218
- Chauncey Sparks state technical college, continued—  
SJR 318, page 139  
HJR 279, pages 455, 460, 638, Act 219
- Chiropractic examiners, state board of, continued—  
SJR 135, page 130  
HJR 386, pages 470, 472, 722, Act 329
- Choccolocco watershed association, continued—  
SJR 319, page 139  
HJR 280, pages 456, 461, 638, Act 220
- Choctawhatchee watershed conservancy district, continued—  
SJR 320, page 139  
HJR 281, page 456, 461, 638, Act 221
- Civil air patrol, continued—  
SJR 89, pages 711, 1530, 1563, 1699, Act 457  
HJR 340, pages 477, 490, 718, Act 284
- Code revision commission, continued—  
SJR 321, page 139  
HJR 282, pages 456, 461, 638, Act 222
- Commission on aging (department and commission), continued—  
SJR 322, page 139  
HJR 283, pages 456, 461, 638, Act 223
- Commission on higher education, Alabama, continued—  
SJR 265, page 136  
HJR 227, pages 418, 448, 635, Act 185
- Commission on physical fitness, continued—  
SJR 225, page 135  
HJR 137, pages 408, 426, 504, Act 60
- Committee on state reorganization, governor's, continued—  
SJR 164, page 132  
HJR 172, pages 412, 435, 507, Act 93
- Community and technical services agency, Alabama, terminated—  
SJR 127, page 130  
HJR 378, pages 404, 721, Act 321
- Compromise, board of, continued—  
SJR 304, pages 138, 387  
HJR 266, pages 454, 457, 637, Act 206

- Constitutional commission, Alabama, terminated—  
SJR 266, page 136  
HJR 228, pages 380, 501, Act 36
- Consumer advisory council, terminated—  
SJR 105, page 129  
HJR 356, pages 400, 719, Act 300
- Consumer protection agency, continued—  
SJR 325, page 139  
HJR 286, pages 456, 462, 638, Act 225
- Coordinator of highway and traffic safety, office of, continued—  
SJR 204, page 134  
HJR 211, pages 416, 445, 634, Act 171
- Coosa-Alabama development authority, continued—  
SJR 327, page 139  
HJR 288, pages 456, 462, 638, Act 226
- Corporation for the borrowing for schools, continued—  
SJR 328, page 139  
HJR 289, pages 288, 456, 462, 638, Act 266
- Corrections institution finance authority, continued—  
SJR 309, page 139  
HJR 290, pages 456, 463, 639, Act 228
- Cost control survey, governor's, continued—  
SJR 69, page 127  
HJR 320, pages 475, 485, 716, Act 265
- Council of archeology, Alabama, continued—  
SJR 169, page 132  
HJR 291, pages 457, 463, 639, Act 229
- Council of state governments, continued—  
SJR 80, page 128  
HJR 331, pages 476, 488, 717, Act 276
- Councill Trenholm state technical college, continued—  
SJR 138, page 130  
HJR 292, pages 457, 463, 639, Act 230
- County records commission, continued—  
SJR 139, page 130  
HJR 293, pages 473, 479, 639, Act 231
- Courses of study commission, continued—  
SJR 121, page 130  
HJR 372, pages 465, 469, 721, Act 315
- Court management, continued—  
HJR 382, pages 581, 845, 2010, 2019, 2144, Act 681
- Court management, terminated—  
SJR 131, page 130
- Crooked creek watershed, continued—  
SJR 140, page 131  
HJR 294, pages 473, 479, 639, Act 231

- Dauphin island park and beach board, continued—
  - SJR 141, page 131
  - HJR 295, pages 473, 479, 639, Act 233
- Deaf and blind institute, Alabama, continued—
  - SJR 142, page 131
  - HJR 296, pages 473, 480, 639, Act 234
- DeKalb county-Big Willis watershed, terminated—
  - SJR 143, pages 131, 283, 387, 392, 594, Act 98
- Dental examiners, board of, continued—
  - SJR 52, page 126
  - HJR 303, pages 474, 481, 640, Act 239
- Dental scholarship awards, board of, continued—
  - SJR 305, pages 138, 387
  - HJR 267, pages 454, 457, 637, Act 207
- Developmental disabilities service and facilities, Alabama, planning and advisory council, continued—
  - SJR 277, page 137
  - HJR 239, pages 419, 451, 636, Act 196
- Development office, Alabama, continued—
  - SJR 269, page 137
  - HJR 231, pages 418, 449, 635, Act 188
- Diversion investigative unit, Alabama, continued—
  - SJR 270, page 137
  - HJR 232, pages 418, 449, 635, Act 184
- Docks advisory committee, continued—
  - SJR 145, page 131
  - HJR 299, pages 473, 480, 639, Act 235
- Douglas MacArthur state technical college, continued—
  - SJR 146, page 131
  - HJR 300, pages 473, 480, 639, Act 236
- Ed E. Reid state technical college, continued—
  - SJR 208, page 134
  - HJR 120, pages 407, 422, 503, Act 46
- Education authority, Alabama, continued—
  - SJR 271, page 137
  - HJR 233, page 417, 448, 635, Act 182
- Education, state board of, continued—
  - SJR 117, page 129
  - HJR 368, pages 465, 468, 720, Act 311
- Education, state department of, continued—
  - SJR 118, page 129
  - HJR 369, pages 465, 468, 720, Act 312
- Education study commission, continued—
  - SJR 148, page 131
  - HJR 111, pages 406, 420, 502, Act 39



- Educational television commission, continued—  
SJR 149, page 131  
HJR 112, pages 406, 420, 502, Act 40
- Elk river development agency, continued—  
SJR 150, page 131  
HJR 113, pages 406, 421, 502, Act 41
- Emergency planning, state office of, continued—  
SJR 115, page 129  
HJR 366, pages 467, 464, 720, Act 310
- Employees insurance board, continued—  
SJR 151, page 131  
HJR 114, pages 406, 421, 502, Act 42
- Energy advisory council, continued—  
SJR 88, page 128  
HJR 339, pages 477, 490, 718, Act 283
- Enterprise state junior college, continued—  
SJR 152, page 131  
HJR 115, pages 407, 421, 502, Act 43
- Etowah county-Big Willis water shed, terminated—  
SJR 153, page 131  
HJR 116, pages 373, 501, Act 27
- Examiners in psychology, Alabama board of, continued—  
SJR 97, page 128  
HJR 348, pages 478, 492, 718, Act 292
- Examiners of landscape architects, boards of, continued—  
SJR 56, page 126  
HJR 307, pages 474, 482, 640, Act 243
- Examiners of nursing home administration, state board of, continued—  
SJR 110, page 129  
HJR 361, pages 464, 466, 720, Act 305
- Fair authority, state, continued—  
SJR 226, page 135  
HJR 138, pages 409, 426, 504, Act 61
- Finance department, state, continued—  
SJR 227, page 135  
HJR 139, pages 409, 426, 504, Act 62
- Fire ant study committee, terminated—  
SJR 154, page 131  
HJR 117, pages 307, 374, 501, Act 28
- Fire college (department and advisory committee), continued—  
SJR 155, page 131  
HJR 118, pages 407, 422, 503, Act 44
- Firefighters personnel standards and education commission, continued—  
SJR 95, page 128  
HJR 346, pages 478, 491, 718, Act 290

- Fishing reef ship commission, continued—  
SJR 156, page 131  
HJR 119, pages 407, 422, 503, Act 45
- Funeral services, board of, continued—  
SJR 134, page 130  
HJR 385, pages 470, 472, 722, Act 328
- Gadsden state junior college, continued—  
SJR 157, page 131  
HJR 165, pages 411, 433, 506, Act 86
- Gadsden state technical college, continued—  
SJR 158, page 131  
HJR 166, pages 411, 433, 506, Act 87
- General contractors, licensing board for, continued—  
SJR 60, page 127  
HJR 311, pages 474, 483, 640, Act 247
- Geological survey of Alabama, continued—  
SJR 159, page 131  
HJR 167, pages 411, 433, 506, Act 88
- George C. Wallace state community college (Dothan), continued—  
SJR 160, page 131  
HJR 168, pages 412, 434, 506, Act 89
- George C. Wallace state community college (Hanceville), continued—  
SJR 161, page 131  
HJR 169, pages 412, 434, 506, Act 90
- George C. Wallace state community college (Selma), continued—  
SJR 162, page 132  
HJR 170, pages 412, 434, 507, Act 91
- Gorgas memorial (university of Alabama), continued—  
SJR 163, page 132  
HJR 171, pages 412, 434, 507, Act 92
- Governor's mansion advisory board, continued—  
SJR 165, page 132  
HJR 173, page 412, 435, 507, Act 94
- Governor's natural resources commission, terminated—  
SJR 66, page 132  
HJR 317, pages 389, 502, Act 26
- Gulf state marine fisheries commission, continued—  
SJR 63, page 127  
HJR 314, pages 475, 484, 641, Act 250
- Hall of fame, Alabama, continued—  
SJR 272, page 137  
HJR 234, pages 450, 635, Act 191
- Hank Williams memorial commission, continued—  
SJR 166, page 132  
HJR 174, pages 412, 435, 507, Act 95

- Harry M. Ayers state technical college, continued—  
SJR 167, page 132  
HJR 175, pages 412, 435, 623, Act 137
- Healing arts, licensing board for, continued—  
SJR 53, page 126  
HJR 304, pages 474, 481, 640, Act 240
- Hearing aid dealers, board of, continued—  
SJR 79, page 128  
HJR 330, pages 476, 488, 717, Act 275
- Helen Keller property board, continued—  
SJR 168, page 132  
HJR 176, pages 412, 436, 623, Act 138
- High school athletic association, continued—  
SJR 123, page 130  
HJR 374, pages 465, 469, 721, Act 317
- High school of fine arts, Alabama, continued—  
SJR 273, page 137  
HJR 235, pages 418, 450, 635, Act 192
- Historical commission, Alabama, continued—  
SJR 170, page 132  
HJR 177, pages 413, 436, 623, Act 139
- Historic pilgrimages, council on, continued—  
SJR 100, page 129  
HJR 351, pages 478, 493, 719, Act 295
- Historic resources adaptors council, continued—  
SJR 101, page 129  
HJR 352, pages 478, 493, 719, Act 296
- Indian affairs, advisory board of, terminated—  
SJR 128, page 130  
HJR 379, pages 404, 721, Act 322
- Indigent medical care advisory committee for, terminated—  
SJR 253, page 136  
HJR 215, pages 378, 501, 634, Act 34
- Industrial securities advisory council, continued—  
SJR 87, page 128  
HJR 338, pages 477, 489, 717, Act 282
- Institutions, state, committee to survey living conditions in, terminated—  
SJR 326, pages 139, 383, 387, 392, 594, Act 116
- Inter-departmental coordinating committee for early childhood development, Alabama, terminated—  
SJR 126, page 130  
HJR 377, pages 403, 721, Act 320
- Interstate mining compact, continued—  
SJR 133, page 130  
HJR 384, pages 470, 471, 722, Act 327

- J. F. Drake state technical college, continued—  
SJR 147, page 131  
HJR 110, pages 406, 420, 502, Act 38
- J. F. Ingram state technical institute, continued—  
SJR 171, page 132  
HJR 178, pages 413, 436, 623, Act 140
- Jacksonville state university, continued—  
SJR 172, page 132  
HJR 179, pages 413, 437, 623, Act 141
- James H. Faulkner state junior college, continued—  
SJR 173, page 132  
HJR 180, pages 413, 437, 624, Act 142
- Jefferson Davis state junior college, continued—  
SJR 174, page 132  
HJR 181, pages 413, 437, 624, Act 143
- Jefferson state junior college, continued—  
SJR 175, page 132  
HJR 182, pages 413, 437, 624, Act 144
- John C. Calhoun state community college, continued—  
SJR 176, page 132  
HJR 183, pages 413, 438, 624, Act 145
- John M. Patterson state technical college, continued—  
SJR 177, page 132  
HJR 184, pages 413, 438, 624, Act 146
- John Will scholarship, continued—  
SJR 103, page 129  
HJR 354, pages 479, 493, 719, Act 298
- Judicial retirement, continued—  
SJR 132, page 130  
HJR 383, pages 470, 471, 721, Act 326
- Judicial system, Alabama's, permanent study committee, continued—  
SJR 207, page 134  
HJR 214, pages 416, 445, 634, Act 174
- Junior college branch of department of education, continued—  
SJR 178, page 132  
HJR 185, pages 413, 438, 624, Act 147
- Juvenile correctional study committee, terminated—  
SJR 179, page 132  
HJR 186, pages 377, 501, Act 32
- Ketchepedrakee creek watershed conservancy district, continued—  
SJR 83, page 128  
HJR 334, pages 477, 489, 717, Act 278
- LaGrange historical commission, continued—  
SJR 180, page 132  
HJR 187, pages 414, 438, 624, Act 148

- Law institute, Alabama, continued—  
SJR 274, page 137  
HJR 236, pages 418, 450, 635, Act 193
- Lawson state community college, continued—  
SJR 181, page 132  
HJR 188, pages 414, 439, 624, Act 149
- Legislative council, continued—  
SJR 182, page 132  
HJR 189, pages 414, 439, 624, Act 150
- Legislative fiscal office, continued—  
SJR 183, page 133  
HJR 190, pages 414, 439, 624, Act 151
- Legislative reference service, continued—  
SJR 184, page 133  
HJR 191, pages 414, 439, 624, Act 152
- Legislative technical assistance program, continued—  
HJR 332, pages 390, 392, 508, 722, Act 334
- Legislative technical assistance program, terminated—  
SJR 81, page 128
- Line creek watershed conservancy district, continued—  
SJR 82, page 128  
HJR 333, pages 477, 488, 717, Act 277
- Live in a landmark council, continued—  
SJR 185, page 133  
HJR 192, pages 414, 440, 624, Act 153
- Livingston state university, continued—  
SJR 186, page 133  
HJR 193, pages 414, 440, 624, Act 154
- Lost creek watershed, terminated—  
SJR 187, page 133  
HJR 194, pages 378, 501, Act 33
- Lurleen B. Wallace state junior college, continued—  
SJR 188, page 133  
HJR 195, pages 414, 440, 625, Act 155
- Lyman Ward military academy, continued—  
SJR 189, page 133  
HJR 196, pages 414, 441, 625, Act 156
- Manpower planning, state, continued—  
SJR 228, page 135  
HJR 140, pages 409, 427, 504, Act 63
- Marine environmental sciences, consortium, continued—  
SJR 73, page 127  
HJR 324, pages 476, 486, 716, Act 269
- Marion institute, continued—  
SJR 190, page 133  
HJR 197, pages 415, 441, 625, Act 157

- Meat and poultry inspection advisory council, continued—  
SJR 191, page 133  
HJR 198, pages 415, 441, 625, Act 158
- Mediation, board of, continued—  
SJR 86, page 128  
HJR 337, pages 477, 489, 717, Act 281
- Medical examiners, board of, continued—  
SJR 50, page 126  
HJR 301, pages 473, 481, 639, Act 237
- Medical scholarship awards, continued—  
SJR 192, page 133  
HJR 199, pages 415, 441, 625, Act 159
- Medical technicians examiners, board of, continued—  
SJR 98, page 128  
HJR 349, pages 478, 492, 718, Act 293
- Military hall of fame, Alabama, continued—  
SJR 94, page 128  
HJR 345, pages 478, 491, 718, Act 289
- Mine personnel, examiners of, continued—  
SJR 76, page 127  
HJR 327, pages 476, 487, 717, Act 272
- Mobile county seafoods advisory committee, terminated—  
SJR 124, page 130  
HJR 375, pages 400, 721, Act 318
- Montgomery institute for neurological development, continued—  
SJR 193, page 133  
HJR 200, pages 415, 442, 625, Act 160
- Motion picture and television advisory commission, continued—  
SJR 194, page 133  
HJR 201, pages 415, 442, 625, Act 161
- Motor sports hall of fame, continued—  
SJR 111, page 129  
HJR 362, pages 464, 466, 720, Act 306
- Mountain lakes association, continued—  
SJR 195, page 133  
HJR 202, pages 415, 442, 625, Act 162
- Muscle Shoals technical institute, continued—  
SJR 196, page 133  
HJR 203, pages 415, 442, 625, Act 163
- N. F. Nunnelley state technical college, continued—  
SJR 201, page 133  
HJR 208, pages 416, 444, 633, Act 168
- National governor's conference, continued—  
SJR 68, page 127  
HJR 319, pages 475, 485, 641, Act 254

- National veterans day, continued—  
SJR 197, page 133  
HJR 204, pages 415, 443, 625, Act 164
- Northeast Alabama state junior college, continued—  
SJR 199, page 133  
HJR 206, pages 416, 443, 625, Act 166
- Northwest Alabama state technical college, continued—  
SJR 200, page 133  
HJR 207, pages 416, 443, 633, Act 167
- Nursing, board of, and nursing advisory council, continued—  
SJR 51, page 126  
HJR 302, pages 473, 481, 640, Act 238
- Occupational information system, Alabama, continued—  
SJR 275, page 137  
HJR 237, pages 419, 451, 636, Act 194
- Opelika state technical college, continued—  
SJR 205, page 134  
HJR 212, pages 416, 445, 634, Act 172
- Optometry, board of, continued—  
SJR 54, page 126  
HJR 305, pages 474, 482, 640, Act 241
- Organized crime control council, continued—  
SJR 112, page 129  
HJR 363, pages 464, 467, 720, Act 307
- Patrick Henry state junior college, continued—  
SJR 206, page 134  
HJR 213, pages 416, 445, 634, Act 173
- Pea river historical and genealogical society, continued—  
SJR 114, page 129  
HJR 365, pages 464, 467, 720, Act 309
- Peace officer's annuity and benefit fund, Alabama, continued—  
SJR 276, page 137  
HJR 238, pages 419, 451, 636, Act 195
- Peace officers personnel standards and training commission, continued—  
SJR 59, page 127  
HJR 310, pages 474, 483, 640, Act 246
- Personnel board, state, continued—  
SJR 229, page 127  
HJR 141, pages 409, 427, 504, Act 64
- Pharmacy, board of, continued—  
SJR 78, page 128  
HJR 329, pages 476, 487, 717, Act 274
- Physical therapy, state board of, continued—  
SJR 106, page 129  
HJR 357, pages 479, 493, 719, Act 301

- Pilotage commission, state, continued—  
SJR 137, page 130  
HJR 388, pages 471, 472, 722, Act 331
- Plumbing examiners, board of, continued—  
SJR 306, page 138  
HJR 268, pages 454, 457, 636, Act 208
- Podiatry, state board of, continued—  
SJR 99, page 129  
HJR 350, pages 478, 492, 719, Act 294
- Pollution control finance authority, Alabama, continued—  
SJR 278, page 137  
HJR 240, pages 419, 452, 636, Act 197
- Polygraph examiners, state board of, continued—  
SJR 108, page 129  
HJR 359, pages 464, 466, 719, Act 303
- Pornography, governor's advisory committee on, continued—  
SJR 67, page 127  
HJR 318, pages 475, 485, 641, Act 253
- Post secondary 1202 commission, Alabama, continued—  
SJR 279, page 137  
HJR 241, pages 419, 452, 636, Act 198
- Preserve the peace, commission of, terminated—  
SJR 323, pages 139, 382, 387, 392, 594, Act 115  
HJR 285, page
- Prevailing wage commission, continued—  
SJR 85, page 128  
HJR 336, pages 477, 489, 717, Act 280
- Prosecution services, office of, continued—  
SJR 202, page 133  
HJR 209, pages 416, 444, 634, Act 169
- Public accountancy, board of, continued—  
SJR 77, page 127  
HJR 328, pages 476, 487, 717, Act 273
- Public library service, Alabama, continued—  
SJR 62, page 127  
HJR 313, pages 475, 484, 640, Act 249
- Public school and college authority, Alabama, continued—  
SJR 280, page 137  
HJR 242, pages 419, 452, 636, Act 199
- Real estate commission, Alabama, continued—  
SJR 107, page 129  
HJR 358, pages 479, 494, 719, Act 302
- Records commission, state, continued—  
SJR 230, page 135  
HJR 142, pages 409, 427, 504, Act 65



Registration for architects, board of, continued—

SJR 55, page 126

HJR 306, pages 474, 482, 640, Act 242

Registration for foresters, board of, continued—

SJR 58, page 127

HJR 309, pages 474, 483, 640, Act 245

Registration of professional engineers and land surveyors, board of, continued—

SJR 57, page 127

HJR 308, pages 474, 482, 640, Act 244

Retirement systems, continued—

SJR 209, page 134

HJR 121, pages 407, 422, 503, Act 47

Revenue department, continued—

SJR 210, page 134

HJR 122, pages 407, 423, 503, Act 48

Richmond P. Hobson state technical college, continued—

SJR 211, page 134

HJR 123, pages 407, 423, 503, Act 49

River development authority, Alabama, terminated—

SJR 281, page 137

HJR 243, pages 381, 501, Act 37

Riverboat association, terminated—

SJR 212, page 134

HJR 124, pages 496, 722, Act 332

Sanitarians, registration for, continued—

SJR 96, page 128

HJR 347, pages 478, 491, 718, Act 291

Shelton state technical college, continued—

SJR 213, page 134

HJR 125, pages 407, 423, 503, Act 50

Snead state junior college, continued—

SJR 214, page 134

HJR 126, pages 407, 423, 503, Act 51

Social security board, continued—

SJR 215, page 134

HJR 127, pages 408, 424, 503, Act 52

Soil and water conservation committee, state, continued—

SJR 231, page 135

HJR 143, pages 409, 427, 505, Act 66

Southern growth policies board, continued—

SJR 70, page 127

HJR 321, pages 475, 485, 716, Act 266

Southern interstate nuclear board, continued—

SJR 216, page 134

HJR 128, pages 408, 424, 503, Act 53

Southern regional education board, continued—  
SJR 122, page 130  
HJR 373, pages 465, 469, 721, Act 316

Southern union state junior college, continued—  
SJR 217, page 134  
HJR 129, pages 408, 424, 503, Act 54

Southwest state technical college, continued—  
SJR 218, page 134  
HJR 130, pages 408, 424, 503, Act 55

Sovereignty commission, terminated—  
SJR 219, page 134  
HJR 131, pages 375, 501, Act 29

Space management, office of, continued—  
SJR 203, page 133  
HJR 210, pages 416, 444, 634, Act 170

Space science exhibit committee, continued—  
SJR 220, page 134  
HJR 132, pages 408, 425, 503, Act 56

Sports hall of fame board, continued—  
SJR 221, page 134  
HJR 133, pages 408, 525, 504, Act 57

State board of adjustment, continued—  
SJR 222, page 134  
HJR 134, pages 408, 425, 504, Act 58

State hospitals and Partlow state school bond commission, Alabama,  
continued—  
SJR 282, page 137  
HJR 244, pages 419, 452, 636, Act 200

State personnel safety committee, terminated—  
SJR 102, page 129  
HJR 353, pages 398, 719, Act 297

Steer association, Alabama, continued—  
SJR 283, page 137  
HJR 246, pages 419, 453, 636, Act 202

Stonewall Jackson memorial, continued—  
SJR 233, page 135  
HJR 145, pages 409, 428, 505, Act 68

Student leadership committee, terminated—  
SJR 125, page 130  
HJR 376, pages 401, 681, 721, Act 319

Supreme court library fund, continued—  
SJR 129, page 130  
HJR 380, pages 465, 470, 721, Act 323

Sylacauga nurses training school, continued—  
SJR 234, page 135  
HJR 146, pages 409, 429, 505, Act 69

- Tallacoosa highland lake association, continued—  
SJR 235, page 135  
HJR 147, pages 410, 428, 505, Act 70
- Tallasseehatchee watershed, continued—  
SJR 113, page 129  
HJR 364, pages 464, 467, 720, Act 308
- Tannehill furnace and foundry commission, continued—  
SJR 236, page 135  
HJR 148, pages 410, 429, 505, Act 71
- Task force on environmental study, terminated—  
SJR 237, page 135  
HJR 149, pages 375, 501, Act 30
- Technical college division (department of education), continued—  
SJR 238, page 135  
HJR 150, pages 410, 429, 505, Act 72
- Tennessee-Mulberry waterway commission, terminated—  
SJR 239, page 135  
HJR 151, pages 376, 501, Act 31
- Tennessee-Tombigbee water development authority, continued—  
SJR 240, page 135  
HJR 152, pages 410, 429, 505, Act 73
- Tenure commission, state, continued—  
SJR 232, page 135  
HJR 144, pages 409, 428, 505, Act 67
- Terrapin creek watershed conservancy, continued—  
SJR 241, page 135  
HJR 153, pages 410, 430, 505, Act 74
- Textbook commission, state, continued—  
SJR 120, page 130  
HJR 371, pages 465, 468, 721, Act 314
- Tri-rivers waterway development authority, continued—  
SJR 242, page 135  
HJR 154, pages 410, 430, 505, Act 75
- Troy state university, continued—  
SJR 243, page 135  
HJR 155, pages 410, 430, 505, Act 76
- Tuscaloosa state technical college, continued—  
SJR 244, page 135  
HJR 156, pages 410, 430, 505, Act 77
- Tuskegee institute, continued—  
SJR 245, page 136  
HJR 157, pages 410, 431, 505, Act 78
- Unified judicial system, continued—  
SJR 130, page 130  
HJR 381, pages 470, 471, 721, Act 324

- Uniform state laws, commission on, continued—
  - SJR 324, page 135
  - HJR 284, pages 456, 462, 638, Act 224
- University of Alabama museum, continued—
  - SJR 136, page 130
  - HJR 387, pages 470, 472, 722, Act 330
- University of Alabama system, continued—
  - SJR 246, page 136
  - HJR 158, pages 411, 431, 506, Act 79
- University of Montevallo, continued—
  - SJR 247, page 136
  - HJR 159, pages 411, 431, 506, Act 80
- University of north Alabama, continued—
  - SJR 248, page 136
  - HJR 160, pages 411, 431, 506, Act 81
- University of south Alabama, continued—
  - SJR 71, page 127
  - HJR 322, pages 475, 486, 716, Act 267
- University of south Alabama medical school and teaching hospital, continued—
  - SJR 72, page 127
  - HJR 323, pages 476, 486, 716, Act 268
- U. S. S. battleship commission, continued—
  - SJR 249, page 136
  - HJR 161, pages 411, 432, 506, Act 82
- Veterans day promotion in Birmingham, continued—
  - SJR 250, page 136
  - SJR 162, pages 411, 432, 506, Act 83
- Veterans training board, terminated—
  - SJR 84, page 128
  - HJR 335, pages 396, 717, Act 279
- Vocational education, Alabama advisory councils, continued—
  - SJR 259, page 136
  - HJR 221, pages 417, 447, 634, Act 180
- Walker college, continued—
  - SJR 251, page 136
  - HJR 163, pages 411, 432, 506, Act 84
- Walker state technical college, continued—
  - SJR 252, page 136
  - HJR 164, pages 411, 432, 506, Act 85
- West Alabama environmental improvement authority, terminated—
  - SJR 116, page 129
  - HJR 367, page 402
- White house of the confederacy, continued—
  - SJR 92, page 128
  - HJR 343, pages 478, 491, 718, Act 287

- Women's commission, Alabama, continued—  
SJR 286, page 137  
HJR 248, pages 420, 453, 637, Act 204
- Women's hall of fame, Alabama, continued—  
SJR 287, page 137  
HJR 249, pages 420, 454, 637, Act 205
- Youth council, Alabama, terminated—  
SJR 65, page 127  
HJR 316, pages 396, 641, Act 252
- Youth services (department and board), continued—  
HJR 298, pages 138, 367, 386, 388, 593, Act 109
- Youth services (department and board), terminated—  
SJR 144, pages 131, 384
- 

## SENATE MISCELLANEOUS INDEX

### AIR NATIONAL GUARD, ALABAMA

- Appointment of brigadier general—  
Pages 301, 351

### AIR POLLUTION CONTROL COMMISSION, ALABAMA

- Appointments to—  
Pages 739, 1802

### ALABAMA A & M UNIVERSITY

- Appointments to board of trustees—  
Pages 748, 845, 1783, 1784, 1785

### ALABAMA STATE UNIVERSITY

- Appointments to board of trustees—  
Pages 301, 302, 352, 510, 1808

### ALCOHOLIC BEVERAGE CONTROL BOARD

- Appointment to—  
Pages 513, 1132

### ALLRED, HON. SHELTON E.

- Appointed to board of trustees, Livingston state university—  
Pages 743, 1795

### BAGLEY, DR. GEORGE

- Appointed to ethics commission, state—  
Pages 754, 2017

### BAKER, HON. A. SCHUYLER

- Appointed to commission on higher education, Alabama—  
Page 828

**BANKING BOARD, STATE**

Appointment to—  
Page 1787

**BATEMAN, HON. ROBERT S.**

Appointed to Alabama board of examiners, landscape architects—  
Pages 513, 1790

**BELL, DR. J. MAC, JR.**

Appointed to board of trustees, university of south Alabama—  
Pages 1286, 1362

**BENDER, MISS DORIS**

Appointed to state board of pensions and security—  
Pages 748, 1800

**BIGGS, HON. OTHA LEE**

Appointed to board of trustees, university of south Alabama—  
Pages 1283, 1646

**BRANDLI, MRS. JEAN**

Appointed to state board of pensions and security—  
Pages 749, 1800

**BROCK, HON. EUGENE C.**

Appointed to Alabama board of examiners, landscape architects—  
Pages 513, 1790

**BRUISTER, HON. HUBERT**

Appointed to board of trustees, university of south Alabama—  
Pages 1282, 1658

**BRYANT, MRS. MARY HARMON**

Appointed to mental health board, Alabama—  
Pages 523, 584

**CALENDAR**

All senate bills remaining on, indefinitely postponed—  
Pages 1557, 1582

**CALLOWAY, HON. LEE**

Appointed to conservation advisory board—  
Pages 745, 1797

**CANTALOW, HON. JOHN, JR.**

Appointed to board of trustees, Alabama A & M university—  
Page 1785

**CARGILE, HON. C. O.**

Appointed to water improvement commission—  
Pages 739, 1802

**CHANDLER, HON. A. A.**

Appointed to board of trustees, Alabama state university—  
Page 510

**CLEVERDON, HON. ERNEST G.**

Appointed to board of trustees, university of south Alabama—  
Pages 1285, 1658

**COLLINS, MRS. CLARA STONE**

Appointed to board of trustees, institute for deaf and blind, Alabama—  
Pages 750, 1804

**COMMISSION ON HIGHER EDUCATION, ALABAMA**

Appointments to—  
Pages 733, 741, 828, 1055, 1287, 1330, 1786, 1793

**CONFERENCE REPORTS**

SB 169—  
Page 2088

SB 471—  
Page 1984

SB 608—  
Page 2092

SB 713—  
Page 1384

SB 738—  
Page 1823

SB 741—  
Page 1695

SB 760—  
Page 2129

HB 160—  
Page 1097

HB 170—  
Page 1671

**CONSERVATION ADVISORY BOARD**

Appointment to—  
Pages 745, 1797

**COOK, HON. ARTHUR P.**

Appointed to board of trustees, university of south Alabama—  
Pages 1285, 1658

**COOK, MS. CAMILLE WRIGHT**

Appointed to air pollution control commission, Alabama—  
Pages 739, 1802

**CUNNINGHAM, HON. BOB**

Appointed to board of trustees, Alabama institute for deaf and blind—  
Page 1789

**DIAMOND, HON. SAM I., JR.**

Appointed to Alabama securities commission—  
Pages 512, 1792

**DRAKE, MRS. CHRIS**

Appointed to state board of education—  
Pages 737, 1801

**DRAKE, HON. E. HERRIN**

Appointed to farmers market authority—  
Pages 738, 1797

**DUNN, HON. ROSS**

Appointed to board of trustees, Alabama state university—  
Pages 302, 352

**DYSON, HON. SAM**

Appointed to water improvement commission—  
Pages 739, 1802

**EDMONDS, HON. HUGH**

Appointed to board of trustees, Livingston state university—  
Pages 737, 1796

**EDUCATION, STATE BOARD OF**

Appointment to—  
Pages 737, 1801

**EDUCATIONAL TELEVISION COMMISSION, ALABAMA**

Appointments to—  
Pages 746, 2016

**ETHICS COMMISSION, STATE**

Appointments to—  
Pages 754, 2009, 2015, 2017, 2018, 2087

**EXAMINERS OF PUBLIC ACCOUNTS, LEGISLATIVE COMMITTEE ON**

Election of members to—  
Page 13

**EXECUTIVE AMENDMENTS**

HB 308—  
Page 1989

HB 947—  
Page 1647

HB 1101—  
Page 1963



**FARMERS MARKET AUTHORITY**

Appointments to—  
Pages 738, 1797

**FARRISH, DR. P. T.**

Appointed to board of trustees, Alabama A & M university—  
Pages 748, 845

**FAULKNER, HON. JIMMY, SR.**

Appointed to Alabama commission on higher education—  
Pages 741, 1055

**FORD, HON. JOHNNY**

Appointed to Alabama educational television commission—  
Page 2016

**FORESTRY COMMISSION, STATE**

Appointments to—  
Pages 1782, 1785, 1803

**FOSHEE, HON. E. C.**

Restored to office of senator—  
Page 699

**GOODSON, HON. JOHN C.**

Appointed to farmers market authority—  
Pages 738, 1797

**GOODWIN, SENATOR EARL**

Appointed to farmers market authority—  
Pages 738, 1797

**GOVERNOR**

Message from re: priorities on last legislative day—  
Page 1808

Veto of SB 591—  
Page 1988

**GOVERNOR'S APPOINTMENTS**

Air pollution control commission, Alabama—  
Pages 739, 1802

Alabama A & M university, board of trustees—  
Pages 748, 845, 1783, 1784, 1785

Alabama state university, board of trustees—  
Pages 301, 302, 352, 510, 1808

Alcoholic beverage control board—  
Pages 513, 1132

Banking board, state—  
Page 1787

Brigadier general, Alabama air national guard—  
Pages 301, 351

Commission on higher education, Alabama—  
Pages 733, 741, 828, 1055, 1287, 1330, 1786, 1793

Conservation advisory board—  
Pages 745, 1797

Education, state board of—  
Pages 737, 1801

Educational television commission, Alabama—  
Pages 746, 2016

Ethics commission, state—  
Pages 754, 2009, 2015, 2017, 2018, 2087

Farmers market authority—  
Pages 738, 1797

Forestry commission, state—  
Pages 1782, 1785, 1803

Industrial relations, department of, board of appeals—  
Pages 740, 1804

Institute for deaf and blind, Alabama, board of trustees—  
Pages 747, 750, 751, 752, 753, 1788, 1789, 1793, 1794, 1795, 1804,  
1805

Landscape architects, Alabama board of examiners—  
Pages 513, 1790

Livingston state university, board of trustees—  
Pages 737, 742, 743, 744, 1185, 1790, 1793, 1795, 1796

Mental health board, Alabama—  
Pages 523, 584

Pensions and security, state board—  
Pages 748, 749, 1800, 1801

Polygraph examiners board—  
Pages 734, 735, 736, 1798, 1799

Securities commission, Alabama—  
Pages 512, 1792

Surface mining reclamation commission, Alabama—  
Pages 746, 1123, 1791, 1792

University of north Alabama, board of trustees—  
Page 511

University of south Alabama, board of trustees—  
Pages 1282, 1283, 1284, 1285, 1286, 1362, 1642, 1646, 1657, 1658

Water improvement commission—  
Pages 739, 1802

GRANT, HON. WYMAN RAMSEY FAGAN, SR.

Appointed to board of trustees, Alabama A & M university—  
Page 1783

HALL, REV. BILLY FRANK

Appointed to board of trustees, Livingston state university—  
Pages 744, 1796

HARBERT, HON. JOHN M., III

Appointed to Alabama commission on higher education—  
Pages 1287, 1330

HARRIS, HON. LAWRENCE

Appointed to alcoholic beverage control board—  
Pages 513, 1132

Appointed to state banking board—  
Page 1787

HAWKINS, DR. ROWLAND DALE

Appointed to polygraph examiners board—  
Pages 736, 1799

HIGHTOWER, HON. COUNCE B., III

Appointed to board of trustees, Livingston state university—  
Pages 744, 1795

HILL, HON. TOMMY

Appointed to board of trustees, Livingston state university—  
Page 1790

HOLT, HON. HOWARD

Appointed to board of trustees, Livingston state university—  
Pages 742, 1793

HOUSE OF REPRESENTATIVES

Message from, in session and ready for the transaction of public business—  
Page 4

HUFFSTUTLER, MRS. JOAN B.

Appointed to state board of pensions and security—  
Pages 749, 1801

HUGHES, HON. ROBERT

Appointed to board of trustees, Alabama A & M university—  
Page 1784

HUNT, HON. JAMES L.

Appointed to board of trustees, university of north Alabama—  
Page 511

## INDUSTRIAL RELATIONS, DEPARTMENT OF

Appointment to board of appeals—

Pages 740, 1804

## INFORMAL RECESS

Sense of senate on policy regarding—

Page 102

## IN MEMORIAM

Albert Burton Boutwell—

Page 526

## INSTITUTE FOR DEAF AND BLIND, ALABAMA

Appointments to board of trustees—

Pages 747, 750, 751, 752, 753, 1788, 1789, 1793, 1794, 1795, 1804, 1805

## JOHNSTON, HON. CECIL L.

Appointed to polygraph examiners board—

Pages 734, 1799

## JOINT SESSION

To hear message of chief justice C. C. "Bo" Torbert—

Page 152

To hear message of the hon. John C. White—

Page 642

## JONES, HON. H. ROBERT

Appointed to board of appeals, department of industrial relations—

Pages 740, 1804

## KEEL, HON. LEON V.

Appointed to farmers market authority—

Pages 738, 1797

## LANDSCAPE ARCHITECTS, ALABAMA BOARD OF EXAMINERS

Appointments to—

Pages 513, 1790

## LANGLEY, HON. SCOTT

Appointed to state forestry commission—

Page 1785

## LEE, HON. ALTO V., III

Appointed to state ethics commission—

Pages 754, 2009

## LEGISLATURE

Joint session to hear message of chief justice C. C. "Bo" Torbert—

Page 152

Joint session to hear message of the honorable John C. White—

Page 642

Message from house, in session and ready for the transaction of public business—  
Page 4

LINTON, DR. PATRICK H.

Appointed to Alabama mental health board—  
Pages 523, 584

LIVINGSTON STATE UNIVERSITY

Appointments to board of trustees—  
Pages 737, 742, 743, 744, 1185, 1790, 1793, 1795, 1796

MANDERSON, HON. LEWIS

Appointed to Alabama surface mining reclamation commission—  
Pages 746, 1791

MANN, MRS. EILEEN

Appointed to state board of pensions and security—  
Pages 749, 1800

MARKLE, HON. RICHARD

Appointed to Alabama air pollution control commission—  
Pages 740, 1802

McBRYDE, DR. R. ROSS

Appointed to Alabama mental health board—  
Pages 523, 584

McCOLLUM, HON. W. HARDY

Appointed to board of trustees, Alabama institute for deaf and blind—  
Pages 747, 1793

McCULLOUGH, MRS. MARY

Appointed to state board of pensions and security—  
Pages 748, 1800

MEANS, HON. STEVE

Appointed to Alabama commission on higher education—  
Page 1786

MENTAL HEALTH BOARD, ALABAMA

Appointments to—  
Pages 523, 584

MITCHELL, HON. MAYER

Appointed to board of trustees, university of south Alabama—  
Pages 1307, 1642

MOSS, HON. EDWIN L. D.

Appointed to board of trustees, Alabama state university—  
Pages 301, 352

## MOTIONS IN WRITING

By mr. Perloff re: adjournment—  
Page 369

## NEWELL, MRS. WILLIAM S.

Appointed to board of trustees, Alabama institute for deaf and blind—  
Pages 753, 1794

## NOLEN, HON. JACK M.

Appointed to Alabama mental health board—  
Pages 523, 584

## OAKLEY, HON. JIM. JR.

Appointed to Alabama commission on higher education—  
Pages 733, 1793

## PARKER, HON. THOMAS F.

Appointed to polygraph examiners board—  
Pages 735, 1799

## PENNINGTON, HON. HARRY L.

Appointed to board of trustees, Alabama A & M university—  
Page 748

## PENSIONS AND SECURITY, STATE BOARD OF

Appointments to—  
Pages 748, 749, 1800, 1801

## POLYGRAPH EXAMINERS BOARD

Appointments to—  
Pages 734, 735, 736, 1798, 1799

## PORCH, DR. ELLIS

Appointed to board of trustees, Alabama institute for deaf and blind—  
Page 1788

## PRESIDENT AND PRESIDING OFFICER

Foshee, hon. E. C., reinstatement declared by—  
Page 699

Presence of quorum established by—  
Page 697

Vote to break tie on Powell amendment to SB 550—  
Page 909

## PRUITT, HON. IRA D., JR.

Appointed to state ethics commission—  
Pages 2015, 2087

## PRYCE, HON. EDWARD L.

Appointed to Alabama board of examiners, landscape architects—  
Pages 513, 1790

## QUORUM

Established by president and presiding officer—  
Page 697

## QUORUM CALL

Requested by mr. Fine—  
Page 303

Requested by mr. Peden—  
Pages 367, 371

## RAINS, HON. EUCLID

Appointed to board of trustees, Alabama institute for deaf and blind—  
Pages 751, 1804

## RULE CHANGES

Senate rule 1(a), by mr. Mitchell—  
Pages 125, 232

Senate rule 7, by mr. Mitchell—  
Pages 124, 231

Senate rule 7(a), by mr. Mitchell—  
Pages 125, 232

Senate rules 7, 8, 11 and 12, by mr. McMillan—  
Pages 615, 661

Senate rule 20, by mr. Little—  
Pages 14, 123

Senate rule 40, by mr. Mitchell—  
Pages 124, 232

Senate rule 40(a), by mr. Mitchell—  
Pages 125, 233

Senate rule 62, by mr. Little—  
Pages 15, 123

## SECURITIES COMMISSION, ALABAMA

Appointment to—  
Pages 512, 1792

## SENATE

Point of personal privilege by mr. Clemon re: vote on HJR 85—  
Page 354

Point of personal privilege by mr. Noonan re: vote on SB 370—  
Page 590

Point of personal privilege by mr. Noonan re: vote on HB's 400, 401, 402,  
and 403—  
Page 805

Sense of, re: procedure on TVA bill and "lid bill"—  
Page 1829

Sense of, requested by mr. Baker re: policy on informal recess—  
Page 102

**SISTRUNK, HON. KELLY**

Appointed to state forestry commission—  
Pages 1782, 1803

**SMITH, HON. ROGER**

Appointed to board of trustees, Alabama institute for deaf and blind—  
Pages 753, 1794

**SMITH, HON. WILLIAM**

Appointed to board of trustees, Alabama institute for deaf and blind—  
Pages 751, 1805

**STINSON, HON. HAROLD N.**

Appointed to Alabama educational television commission—  
Page 746

**STRANDELL, DR. EVERETT L.**

Appointed to Alabama mental health board—  
Pages 523, 584

**SUMMERS, HON. ALLAN W.**

Appointed to Alabama surface mining reclamation commission—  
Pages 1123, 1792

**SUNSET ACT**

Supreme court declined to render opinion on—  
Page 394

**SUNSET REVIEW COMMITTEE**

Communication from—  
Page 95

Election of members to—  
Page 14

**SUPREME COURT**

Opinion re: HB 94—  
Page 876

Opinion re: SB 759—  
Pages 1041, 1120

Opinion re: HB 990—  
Pages 1361, 1653

Sunset act, declined to render opinion on  
Page 394

**SURFACE MINING RECLAMATION COMMISSION, ALABAMA**

Appointments to—  
Pages 746, 1123, 1791, 1792

**TODD, HON. JESSE**

Appointed to farmers market authority—  
Pages 738, 1797



**TUPKELEWICA, HON. JOHN A.**

Appointed to polygraph examiners board—  
Pages 735, 1798

**UNANIMOUS CONSENT**

Requested by mr. Perry, to go into informal recess—  
Page 102

**UNIVERSITY OF NORTH ALABAMA**

Appointments to board of trustees—  
Page 511

**UNIVERSITY OF SOUTH ALABAMA**

Appointments to board of trustees—  
Pages 1282, 1283, 1284, 1285, 1286, 1362, 1642, 1646, 1657, 1658

**VAUGHN, HON. HOWARD R.**

Appointed to board of trustees, Livingston state university—  
Pages 742, 1185

**WATER IMPROVEMENT COMMISSION, ALABAMA**

Appointments to—  
Pages 739, 1802

**WEEMS, HON. LARRY**

Appointed to Alabama air pollution control commission—  
Pages 740, 1802

**WEST, HON. LANEY L.**

Appointed to board of trustees, university of north Alabama—  
Page 511

**WHITE, HONORABLE JOHN C.**

Joint session to hear message of—  
Page 642

**WHITMAN, HON. WILLIE L., JR.**

Appointed brigadier general, Alabama air national guard—  
Pages 301, 351

**WILLIE, HON. LOUIS J.**

Appointed to board of trustees, Alabama state university—  
Pages 510, 1808

**WOODS, HON. CHARLES**

Appointed to board of trustees, university of south Alabama—  
Pages 1284, 1657

**WOOTEN, HON. CALVIN**

Appointed to board of trustees, Alabama institute for deaf and blind—  
Pages 752, 1795

WRIGHT, DR. LESLIE

Appointed to state ethics commission—  
Pages 754, 2018

**REGULAR SESSION**  
**JOURNAL OF THE SENATE 1978**  
**SENATE SPONSOR INDEX**

- Adams:** Bills: 183, 196, 204, 239, 249, 250, 251, 252, 253, 254, 255, 374, 499, 521, 535, 538, 539, 556, 586, 608, 630, 671, 11, 746, 159  
Resolutions: 32, 33, 37, 38, 39, 44, 49, 331, 336, 342, 368, 369, 371, 379, 45, 333, 352, 364, 365, 399, 402, 415, 424, 452, 453, 458, 459, 460
- Baker:** Bills: 74, 75, 76, 77, 78, 146, 147, 148, 149, 150, 183, 284, 286, 298, 352, 378, 386, 387, 481, 497, 11, 690, 738, 159, 760, 759, 783  
Resolutions: 32, 33, 37, 38, 39, 44, 49, 340, 331, 336, 342, 359, 368, 369, 45, 333, 352, 364, 365, 399, 402, 415, 432, 452, 453, 458, 459, 460
- Bank:** Bills: 35, 36, 45, 73, 80, 88, 125, 183, 204, 207, 208, 209, 210, 211, 286, 316, 330, 361, 362, 363, 386, 411, 438, 476, 506, 507, 508, 509, 516, 517, 518, 519, 520, 541, 542, 543, 552, 560, 563, 564, 565, 579, 585, 587, 588, 589, 608, 611, 628, 651, 668, 669, 672, 11, 681, 706, 724, 725, 742, 159, 659, 660  
Resolutions: 27, 32, 33, 35, 37, 38, 39, 44, 49, 332, 331, 336, 342, 343, 351, 365, 368, 369, 371, 45, 333, 352, 364, 399, 402, 403, 415, 452, 453, 458, 459, 460
- Clemon:** Bills: 4, 5, 158, 204, 239, 247, 359, 387, 395, 406, 407, 411, 509, 511, 527, 608, 609, 636, 644, 645, 655, 656, 657, 11, 687, 693, 694, 717, 718, 159, 756, 800  
Resolutions: 32, 33, 35, 37, 38, 39, 44, 49, 334, 331, 336, 342, 355, 356, 368, 369, 372, 389, 391, 393, 45, 333, 352, 364, 365, 398, 399, 402, 407, 415, 418, 419, 429, 434, 445, 450, 452, 453, 458, 459, 460, 423
- Edwards:** Bills: 89, 170, 171, 172, 173, 174, 175, 176, 177, 178, 332, 333, 334, 386, 435, 480, 481, 515, 569, 578, 580, 581, 582, 583, 613, 614, 615, 616, 675, 11, 680, 723, 159, 748, 784, 785, 786, 759  
Resolutions: 31, 32, 33, 37, 38, 39, 44, 48, 49, 329, 330, 331, 336, 342, 350, 360, 367, 368, 369, 387, 45, 333, 352, 364, 365, 45, 333, 352, 364, 365, 399, 402, 415, 446, 452, 453, 458, 459, 460
- Ellis:** Bills: 31, 32, 46, 47, 64, 65, 98, 114, 117, 118, 179, 204, 247, 285, 286, 330, 406, 435, 452, 492, 494, 526, 527, 549, 550, 571, 589, 590, 592, 603, 608, 627, 628, 643, 644, 645, 655, 656, 657, 11, 687, 718, 729, 743, 744, 747, 159, 756, 787, 659, 660  
Resolutions: 32, 33, 35, 37, 38, 39, 44, 49, 331, 336, 342, 356, 368, 369, 370, 372, 386, 391, 393, 45, 333, 352, 364, 365, 399, 402, 415, 450, 452, 453, 458, 459, 460
- Fine:** Bills: 8, 169, 179, 183, 256, 257, 259, 341, 342, 343, 344, 430, 442, 443, 487, 508, 509, 514, 530, 538, 574, 608, 621, 640, 642, 678, 11, 694, 706, 726, 727, 728, 747, 159, 749, 765, 766, 774, 799, 659, 660  
Resolutions: 4, 19, 32, 33, 35, 37, 38, 39, 44, 49, 336, 338, 339, 331, 342, 356, 363, 364, 368, 369, 45, 333, 352, 365, 399, 415, 422, 428, 446, 452, 453, 458, 459, 460, 402

Foshee: Bills: 706, 722, 724, 725, 747, 159, 799

Resolutions: 402, 413, 415, 449, 453, 452, 458, 459, 460

Gilmore: Bills: 4, 5, 204, 239, 243, 244, 245, 247, 248, 360, 406, 407, 411, 470, 527, 529, 536, 538, 553, 554, 584, 628, 641, 644, 645, 655, 656, 657, 665, 666, 11, 687, 718, 743, 744, 159, 792, 793

Resolutions: 32, 33, 35, 37, 38, 39, 44, 49, 331, 336, 342, 356, 368, 369, 370, 372, 374, 386, 393, 45, 333, 352, 364, 365, 399, 402, 415, 418, 419, 429, 450, 452, 453, 458, 459, 460

Goodwin: Bills: 4, 5, 21, 22, 23, 24, 25, 26, 27, 179, 183, 184, 202, 206, 218, 222, 234, 235, 236, 239, 243, 281, 286, 335, 376, 377, 392, 414, 415, 416, 417, 418, 419, 420, 421, 431, 494, 500, 529, 561, 627, 11, 688, 159

Resolutions: 32, 33, 35, 37, 38, 39, 41, 42, 43, 44, 49, 331, 336, 342, 368, 369, 379, 45, 333, 352, 364, 365, 399, 402, 412, 415, 452, 453, 458, 459

Higginbotham: Bills: 5, 58, 112, 113, 144, 204, 335, 336, 337, 338, 413, 469, 567, 586, 608, 629, 662, 663, 664, 667, 11, 689, 701, 702, 370, 159, 763

Resolutions: 29, 32, 3, 37, 38, 39, 44, 49, 333, 331, 336, 342, 368, 369, 379, 45, 352, 364, 365, 399, 402, 415, 452, 453, 458, 459, 460

Jones: Bills: 21, 22, 23, 24, 25, 26, 27, 39, 43, 53, 82, 91, 92, 132, 133, 134, 135, 137, 179, 181, 196, 239, 286, 297, 301, 319, 320, 331, 438, 458, 459, 460, 461, 508, 509, 558, 562, 571, 601, 608, 612, 649, 11, 730, 731, 741, 747, 159

Resolutions: 5, 32, 33, 37, 38, 39, 44, 45, 49, 331, 336, 342, 347, 348, 349, 353, 368, 369, 379, 391, 333, 352, 364, 365, 399, 402, 415, 452, 453, 458, 459, 460

King: Bills: 1, 2, 4, 5, 10, 19, 41, 44, 72, 81, 96, 107, 120, 121, 145, 151, 152, 153, 154, 179, 183, 184, 189, 258, 260, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 286, 300, 312, 378, 386, 387, 437, 526, 571, 625, 626, 627, 632, 11, 706, 159, 759

Resolutions: 32, 33, 35, 37, 38, 39, 44, 45, 49, 340, 341, 331, 336, 342, 353, 364, 368, 369, 371, 333, 352, 365, 399, 402, 410, 415, 446, 452, 453, 458, 459, 460

Little: Bills: 4, 5, 68, 69, 70, 71, 99, 102, 179, 183, 196, 204, 280, 282, 283, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 336, 337, 338, 389, 390, 391, 412, 413, 469, 470, 490, 501, 537, 548, 556, 607, 610, 662, 663, 11, 159

Resolutions: 32, 33, 37, 38, 39, 44, 49, 331, 336, 342, 356, 368, 369, 379, 380, 381, 382, 45, 333, 352, 364, 365, 399, 402, 415, 417, 452, 453, 458, 459, 460

McDonald (A): Bills: 4, 5, 93, 94, 95, 138, 139, 140, 141, 142, 143, 179, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 258, 260, 269, 270, 271, 272, 273, 274, 279, 286, 300, 311, 347, 348, 349, 350, 351, 378, 379, 380, 381, 382, 386, 387, 388, 396, 397, 438, 472, 473, 483, 484, 485, 494, 538, 545, 557, 593, 598, 600, 608, 627, 11, 706, 710, 159, 749

Resolutions: 32, 33, 37, 38, 39, 44, 49, 340, 331, 336, 342, 368, 369, 371, 35, 45, 333, 352, 364, 365, 399, 402, 415, 452, 453, 458, 459, 460

McDonald (S): Bills: 4, 5, 183, 189, 238, 258, 260, 269, 270, 271, 272, 273, 274, 286, 300, 302, 364, 386, 439, 440, 523, 524, 575, 576, 577, 608, 627, 641, 71, 493, 11, 709, 711, 159

Resolutions: 32, 33, 37, 38, 39, 44, 49, 331, 336, 342, 368, 369, 45, 333, 352, 364, 365, 399, 402, 415, 428, 446, 452, 453, 458, 459, 460

- McMillan:** Bills: 4, 5, 29, 60, 61, 85, 86, 87, 106, 124, 158, 179, 183, 194, 204, 239, 247, 261, 314, 353, 354, 355, 364, 375, 386, 394, 407, 411, 413, 438, 452, 454, 455, 456, 457, 489, 492, 501, 525, 527, 556, 589, 608, 619, 620, 631, 633, 637, 638, 639, 641, 644, 645, 646, 655, 656, 657, 11, 687, 718, 737, 159  
Resolutions: 3, 21, 32, 33, 35, 37, 38, 39, 44, 49, 331, 336, 342, 356, 368, 369, 370, 372, 376, 377, 389, 393, 29, 45, 333, 352, 364, 365, 399, 402, 414, 415, 423, 429, 450, 452, 453, 457, 458, 459, 460
- Miller:** Bills: 4, 5, 179, 204, 243, 299, 378, 410, 589, 608, 11, 159  
Resolutions: 32, 33, 37, 38, 39, 44, 45, 49, 331, 336, 342, 368, 369, 371, 379, 380, 385, 333, 352, 364, 365
- Mims:** Bills: 4, 5, 62, 63, 183, 196, 204, 219, 221, 239, 275, 286, 321, 322, 323, 324, 325, 347, 348, 349, 350, 351, 368, 369, 370, 410, 438, 452, 494, 496, 508, 509, 512, 513, 538, 540, 570, 608, 628, 652, 653, 654, 672, 676, 677, 679, 11, 682, 706, 159, 767, 768, 769, 770, 771, 772, 773, 799  
Resolutions: 32, 33, 37, 38, 39, 44, 47, 49, 331, 336, 342, 368, 369, 371, 379, 397, 45, 333, 352, 364, 365, 399, 402, 415, 452, 453, 458, 459, 460
- Mitchell:** Bills: 4, 5, 115, 116, 119, 179, 194, 195, 196, 204, 331, 339, 464, 465, 471, 502, 503, 568, 599, 602, 672, 11, 704, 733, 159, 758  
Resolutions: 18, 32, 33, 37, 38, 39, 44, 49, 331, 336, 342, 368, 369, 371, 379, 382, 392, 45, 333, 352, 364, 365, 399, 402, 415, 437, 448, 452, 453, 458, 459, 460
- Noonan:** Bills: 37, 193, 212, 213, 214, 215, 216, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 237, 239, 286, 326, 327, 328, 329, 365, 386, 437, 505, 598, 604, 605, 11, 695, 696, 697, 740, 159  
Resolutions: 32, 33, 34, 35, 37, 38, 39, 44, 49, 331, 336, 342, 356, 366, 368, 369, 371, 372, 378, 45, 333, 352, 364, 365, 399, 402, 413, 415, 452, 453, 454, 458, 459, 460
- Owen:** Bills: 4, 5, 11, 13, 14, 28, 48, 49, 179, 196, 198, 199, 200, 201, 202, 203, 204, 217, 239, 386, 423, 424, 425, 489, 508, 509, 532, 538, 551, 555, 556, 591, 594, 595, 596, 597, 606, 608, 628, 661, 670, 286, 721, 734, 736, 739, 159, 757, 764, 799  
Resolutions: 1, 2, 20, 30, 32, 33, 37, 38, 39, 44, 49, 332, 335, 331, 336, 342, 344, 346, 358, 366, 368, 369, 45, 333, 352, 364, 365, 399, 402, 413, 415, 452, 453, 456, 458, 459, 460, 462
- Pearson:** Bills: 6, 7, 14, 33, 34, 84, 97, 158, 239, 247, 286, 356, 357, 358, 387, 406, 411, 438, 452, 479, 527, 546, 608, 634, 635, 636, 644, 645, 655, 656, 657, 11, 686, 687, 159  
Resolutions: 32, 33, 37, 38, 39, 49, 331, 336, 342, 345, 356, 368, 369, 370, 371, 372, 389, 391, 393, 45, 333, 352, 364, 365, 399, 402, 415, 418, 419, 423, 426, 427, 425, 429, 434, 450, 452, 453, 457, 458, 459, 460
- Peden:** Bills: 51, 52, 79, 126, 127, 128, 155, 156, 169, 179, 184, 205, 279, 310, 393, 434, 474, 475, 498, 538, 566, 609, 627, 11, 706, 159, 759, 783  
Resolutions: 32, 33, 35, 37, 38, 39, 44, 49, 331, 336, 342, 364, 368, 369, 373, 45, 333, 352, 365, 399, 402, 413, 415, 446, 452, 453, 458, 459, 460
- Perloff:** Bills: 5, 111, 157, 161, 162, 340, 373, 477, 522, 617, 618, 671, 285, 11, 712, 159  
Resolutions: 32, 33, 37, 38, 39, 44, 49, 332, 331, 336, 342, 358, 366, 368, 369, 45, 333, 352, 364, 365, 399, 402, 415, 452, 453, 458, 459, 460

- Perry: Bills: 3, 4, 5, 21, 22, 23, 24, 25, 26, 27, 179, 183, 204, 239, 262, 286, 313, 315, 422, 486, 492, 508, 509, 11, 706, 747, 159, 797, 798, 759  
Resolutions: 32, 33, 35, 37, 38, 39, 44, 49, 331, 336, 342, 352, 368, 369, 379, 395, 45, 333, 364, 365, 399, 402, 415, 452, 453, 458, 459, 460
- Powell: Bills: 4, 5, 12, 15, 16, 17, 18, 50, 108, 109, 110, 180, 204, 220, 331, 366, 367, 432, 433, 438, 466, 467, 495, 538, 672, 11, 700, 704, 706, 159, 758, 789, 790, 791  
Resolutions: 32, 33, 37, 38, 39, 44, 49, 336, 331, 342, 368, 369, 371, 379, 45, 333, 352, 364, 365, 399, 401, 402, 415, 452, 453, 458, 459, 460, 461
- Proctor: Bills: 204, 407, 554, 644, 645, 655, 656, 657, 659, 660, 11, 687, 706, 718, 743, 159  
Resolutions: 32, 33, 35, 37, 38, 39, 44, 49, 331, 336, 342, 368, 369, 394, 45, 33, 352, 364, 365, 399, 402, 415, 450, 452, 453, 458, 459, 460
- Roberts: Bills: 9, 66, 90, 179, 197, 232, 386, 387, 426, 427, 428, 429, 556, 11, 698, 699, 705, 159  
Resolutions: 32, 33, 37, 38, 39, 44, 49, 331, 336, 342, 357, 361, 366, 368, 369, 45, 333, 352, 364, 365, 399, 402, 415, 446, 452, 453, 458, 459, 460
- Rules: Resolution: 362, 375, 388, 390, 400, 408, 409, 411, 420, 421, 430, 431, 435, 436, 439, 441, 442, 443, 444, 447, 455
- St. John: Bills: 4, 5, 240, 241, 242, 246, 258, 260, 269, 270, 271, 272, 273, 274, 300, 305, 306, 307, 308, 309, 317, 318, 345, 346, 378, 441, 451, 494, 504, 508, 526, 530, 531, 549, 550, 551, 627, 674, 11, 685, 732, 159, 775, 776, 777, 778, 779, 780, 781, 782, 759  
Resolutions: 32, 33, 37, 38, 39, 44, 48, 49, 331, 336, 342, 368, 369, 371, 45, 333, 352, 364, 365, 399, 402, 415, 452, 453, 458, 459, 460
- Shelby: Bills: 4, 5, 30, 59, 67, 263, 264, 265, 266, 267, 268, 404, 405, 408, 478, 510, 538, 556, 559, 608, 628, 11, 706, 707, 708, 159, 750, 751, 752, 754, 755, 759  
Resolutions: 32, 33, 36, 37, 38, 39, 40, 44, 49, 331, 336, 342, 343, 368, 369, 45, 333, 352, 364, 365, 399, 402, 415, 416, 417, 433, 451, 452, 453, 458, 459, 460
- Stewart: Bills: 105, 179, 189, 204, 364, 386, 411, 468, 470, 528, 554, 556, 571, 608, 11, 706, 713, 714, 715, 716, 720, 159, 759, 783  
Resolutions: 32, 33, 37, 38, 39, 44, 49, 331, 336, 342, 368, 369, 394, 45, 333, 352, 364, 365, 399, 402, 415, 452, 453, 458, 459, 460
- Sunset Review Committee: 50 through 328
- Teague: Bills: 4, 5, 129, 130, 131, 159, 160, 179, 183, 204, 286, 304, 371, 372, 383, 384, 385, 409, 411, 444, 446, 447, 448, 449, 491, 528, 533, 534, 544, 554, 556, 573, 647, 650, 658, 659, 660, 672, 11, 703, 706, 713, 714, 745, 753, 788, 794, 796, 795, 783  
Resolutions: 32, 33, 37, 38, 39, 44, 49, 331, 336, 342, 368, 369, 394, 45, 333, 352, 364, 365, 399, 402, 415, 452, 453, 458, 459, 460
- Vacca: Bills: 42, 49, 54, 55, 56, 57, 58, 64, 65, 101, 123, 179, 248, 275, 286, 303, 406, 411, 445, 527, 535, 608, 622, 627, 643, 644, 645, 655, 656, 657, 673, 211, 11, 687, 718, 719, 743, 744, 747, 159, 756, 762, 787  
Resolutions: 32, 33, 35, 37, 38, 39, 44, 46, 49, 331, 336, 342, 356, 366, 368, 369, 370, 372, 383, 386, 393, 45, 333, 352, 364, 365, 399, 402, 415, 440, 450, 452, 453, 458, 459, 460

Waldrop: Bills: 83, 103, 104, 122, 136, 163, 164, 165, 166, 167, 168, 189, 204, 335, 387, 462, 463, 482, 488, 547, 572, 608, 623, 624, 648, 11, 683, 684, 706, 159, 759, 783

Resolutions: 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 22, 23, 24, 25, 26, 28, 32, 33, 37, 38, 39, 44, 49, 337, 331, 336, 342, 354, 368, 369, 371, 384, 396, 45, 333, 352, 364, 365, 399, 402, 404, 405, 406, 415, 438, 452, 453, 458, 459, 460

Wilson: Bills: 100, 179, 243, 247, 248, 286, 398, 399, 400, 401, 402, 403, 407, 450, 527, 641, 644, 645, 183, 11, 687, 691, 692, 718, 735, 159, 756, 761

Resolutions: 32, 33, 35, 37, 38, 39, 44, 49, 331, 336, 342, 356, 368, 369, 371, 372, 376, 379, 45, 333, 352, 364, 365, 399, 402, 414, 415, 450, 452, 453, 458, 459, 460

## JOURNAL OF THE SENATE, 1978 NUMERICAL AND SHORT TITLE INDEX

### SENATE BILLS

- S 1 — Approp., Mountain lakes Association, page 15
- S 2 — Executive Department Reorganization bill, page 15
- S 3 — Macon, crim. investigator for sheriff, page 18
- S 4 — CA: local CA's to be voted on by county only, pages 18, 179, 1360
- S 5 — CA: CA elections held at time of general or 2nd primary election only, page 18
- S 6 — Curator for property of incapacitated, feeble-minded, etc., pages 18, 117
- S 7 — Curator for property of incapacitated, feeble-minded, etc., pages 18, 117, 818
- S 8 — Tax credit for solar energy systems, pages 19, 115
- S 9 — Forbidding secret sessions of certain boards, pages 19, 227
- S 10 — Anatomical gift act, exempting minors, pages 19, 116
- S 11 — 1977 appropriation to Public Library Service amended, pages 19, 112, 244, 1807, 1895, 2143, Act 664
- S 12 — Sale of prison land, Elmore County, pages 19, 226, 801
- S 13 — Name of Public Library Service changed, pages 20, 226
- S 14 — Nursing homes, license fees, disposition, page 20
- S 15 — Oil/gas severance tax increased—Medicaid, page 20
- S 16 — Foreign corporation tax increased—Medicaid, page 20
- S 17 — Domestic franchise tax increased—Medicaid, page 20
- S 18 — Coal severance tax increased—Medicaid, page 20

- S 19 — Pathfinder, Inc., Huntsville, tax-exempt, pages 21, 560
- S 20 — Withdrawn, page 21
- S 21 — Certif. of pub. necessity, notice of filing application, public hearings required, pages 21, 118, 514, 1697, 1703, 2142, Act 847
- S 22 — Reas. value of pub. ut.'s property in defining rate base, new investment eliminated, etc., pages 21, 119, 516, 1715, 1743, 2142, Act 850
- S 23 — Refunds of judicially excessive rates, pages 21, 119, 518
- S 24 — Tel. co's not to increase rates because South Central Bell received increase, pages 21, 119, 518, 1715, 1743, 2142, Act 817
- S 25 — Utility contracts etc., competitive bidding, pages 22, 119, 522
- S 26 — Appeals from actions or orders of PSC, pages 22, 120, 519, 1716, 1744, 2142, Act 851
- S 27 — Procedure for changing customer's billing due to fuel tax rider, pages 22, 120, 523
- S 28 — Pub. officer convicted of crime to forfeit his state or co. retirement benefits, pages 22, 116
- S 29 — Publication of acts, pages 22, 226
- S 30 — Pornography involving minors a felony, pages 22, 956
- S 31 — St. Building Comm. to adopt energy cons. building code, pages 23, 570, 1373
- S 32 — Crime victims compensation bd., appeals, appropriation, pages 23, 360
- S 33 — Abolishing energy cost adjustment, page 23
- S 34 — Utility to pay into PSC attorney's fees fund, page 23
- S 35 — Co. purchase of equipment in unified jud. system, pages 23, 111, 235, 1743, 1991, 2143, Act 821
- S 36 — Outlawing consumer fraud practices, pages 23, 563, 1551
- S 37 — Naming the "General W. K. Wilson, Jr., Bridge", pages 24, 24, 154, 965, 1807, 1895, 2143, Act 665
- S 38 — Withdrawn, page 24
- S 39 — Montgomery county property value, ratio lowered, page 24
- S 40 — Withdrawn, page 24
- S 41 — Free i.d.'s to those 65 or over, page 24
- S 42 — Public trans. of students, min. distance from school established by local board of education, pages 24, 565
- S 43 — Crime victim's compensation, page 24, 360
- S 44 — CA: home rule, pages 24, 178
- S 45 — CA: repealing annual sessions amendment, page 25

- S 46 — Authorizing drug substitutions, page 25
- S 47 — Hazardous waste management, page 25
- S 48 — Public Library Service changed to Alabama State Library, pages 26, 321, 1530
- S 49 — Six years credit under TRS for out-of-state service, pages 26, 113, 246
- S 50 — Investment of st. funds, cash management committee, page 26
- S 51 — Time limit on Sen. confirmation of executive appointments, pages 26, 226
- S 52 — CA: retirement pension for cert. former governors, pages 26, 115
- S 53 — Payment of damages in felonious injury, page 27
- S 54 — 15-year olds may drive in driver's ed. cars w/o license or permit, pages 27, 177, 827
- S 55 — Our Lady of Angels Monastery tax exempt, pages 27, 115
- S 56 — Prohibiting barter system, pages 27, 113, 245
- S 57 — Adding Div. of Service, Finance Department, to law enf. subsistence all. bill, pages 27, 114, 249
- S 58 — Abolishing Department of Youth Services, page 27
- S 59 — Criminal trespass a Class B felony, pages 28, 116
- S 60 — Regulations for reports of state agencies, pages 28, 225
- S 61 — Removing restrictions on deadly force by peace officers, pages 28, 219
- S 62 — Parking provisions for physically handicapped, page 28
- S 63 — Special license plates for phys. handicapped, page 28
- S 64 — Motorized bikes defined, licensing, no insurance, pages 29, 360, 1556
- S 65 — Motorized bikes defined, Code amended, declared unique form of motor vehicle, pages 29, 360, 1557
- S 66 — Public kindergarten program, pages 29, 218
- S 67 — Financial disclosure by state treasurer and family, pages 29, 120, 1187
- S 68 — Highway Department to regulate signs and advertising on state highways, pages 29, 116
- S 69 — Earned interest marked for Medicaid, pages 30, 218
- S 70 — Offense of library theft a misdemeanor, pages 30, 218
- S 71 — Naming the "Tom Brazeal Auditorium", pages 30, 226, 695, 1782, 1895, 2143, Act 666
- S 72 — Pornography involving minors a felony, pages 30, 954



- S 73 — Pornography involving minors a felony, pages 30, 954
- S 74 — Judicial benefits based on salary at retirement, pages 31, 564
- S 75 — Retirement, district and circuit judges, paid from general fund, page 31
- S 76 — CA: Legislature to act on report of Jud. Compensation Comm., pages 31, 564
- S 77 — Legislature to act on recommendations of Jud. Compensation Comm., pages 31, 564
- S 78 — Salaries, supernum. DAs, set, page 31
- S 79 — Prohibits "proliferation" of colleges, pages 31, 566
- S 80 — CA: home rule, page 32
- S 81 — Local school boards to est. academic standards of proficiency, pages 32, 32, 196
- S 82 — Creates Alabama Public Employees Insurance Program, pages 32, 224, 231
- S 83 — Authorizes state grants for local civil defense programs, pages 32, 226, 827, 1715, 1744, 2142, Act 852
- S 84 — Creates cabinet officer, "Commissioner of Utilities", page 32
- S 85 — Civil Liability on false alarms transmitted to rescue authorities, pages 33, 295
- S 86 — Defines escape and punishment of inmates on work release, pages 33, 178
- S 87 — Motor vehicles carrying certain cargo to be covered, pages 33, 563
- S 88 — CA: adoption of local amendments at local elections, page 33
- S 89 — Business corporation act, pages 33, 178
- S 90 — CA: home rule, pages 34, 221
- S 91 — Salary increases for certain state employees, pages 34, 206
- S 92 — Salary increases for certain Educational employees, page 34
- S 93 — Madison County Comm., awards committee, pages 34, 659, 767, 1574, 1593, 1699, Act 523
- S 94 — Madison County Historian, page 34, 659, 767, 1574, 1593, 1699, Act 524
- S 95 — Madison County Comm., opening of graves, pages 35, 1213, 1331
- S 96 — Exec. or secret sessions of cert. boards prohibited, page 35
- S 97 — Supervision of inmates released prematurely due to good time credit, page 35
- S 98 — Signs w/in 660 feet of highways regulated, pages 35, 260, 811, 1156, 1209, 1698, Act 383

- S 99 — Ethics act amended, subpoena, powers, etc., page 35
- S 100 — DPS to protect former governors criminally injured in office, page 35
- S 101 — Rules of the Road, pages 35, 178
- S 102 — Alabama Diabetes Association, tax exempt, pages 36, 218, 793
- S 103 — Title 16, redefining "city", page 36
- S 104 — Loyal Order of Moose, tax exempt, pages 36, 560
- S 105 — Mil. ret. benefits, inc. tax exemption, page 36
- S 106 — Restitution centers, pages 36, 178
- S 107 — Presidential preference primary elections, pages 36, 179, 1318, 1965, 1992, 2143, Act 691
- S 108 — State treasury board created, page 37
- S 109 — Med. ins. to cover services of psychologist, pages 37, 320
- S 110 — Licensing of ins. agents, page 37
- S 111 — Mobile County commissioners, secretaries for, page 37
- S 112 — Dept. of Public Safety permitted to charge for certain goods and services, pages 37, 564, 1321
- S 113 — Smith's Water Authority exempt from certain utility taxes, pages 37, 111, 162, 1652, 1677, 1699, Act 534
- S 114 — Cabinet appts. to require Senate confirmation, pages 38, 226
- S 115 — State employees who drive as part of employment provided cert. liability insurance, pages 38, 38, 320, 1369
- S 116 — PSC Enforcement Div., pay increase under certain conditions, pages 38, 113, 248
- S 117 — Computer privacy, pages 38, 296
- S 118 — Safety inspection of certain dams, pages 38, 570, 1374
- S 119 — Compensation of cert. supernumeraries (Jefferson County exception), pages 38, 114, 249
- S 120 — Approp., ASETF, Alabama A & M, capitol outlay, page 38
- S 121 — TVA ret. pay exempt from state income tax, page 39
- S 122 — Pub. Bd. attorneys, continuing legal ed., page 39
- S 123 — Licensing of fleet owners of rental utility trailers, pages 39, 111, 162
- S 124 — Garnishment of cert. pub. employees for child support, pages 39, 295
- S 125 — Co. officials to receive free '75 Code, page 39
- S 126 — CA: Atty. Gen. prohib. from misusing powers of office, page 39
- S 127 — Same, DA's and solicitors, pages 39, 117
- S 128 — CA: DA's and solicitors prohib. from seeking other public office, page 40

- S 129 — State Collective bargaining law, page 40
- S 130 — Auto. dismantlers and recyclers, private license, pages 40, 292
- S 131 — St. Clair Co. Bd of Ed., SETF appropriation, page 40
- S 132 — Nat'l guard scholarship fund committee, pages 40, 560
- S 133 — TRS, cost-of-living increase to cert. members, page 41
- S 134 — St. agencies to hold pub. community hearings, pages 41, 224
- S 135 — Mtgy. Co., regulating sale of obscene material, pages 41, 957
- S 136 — Commission on Physical Fitness, pages 41, 120, 1370
- S 137 — ERS, cost-of-living increase to cert. members, page 41
- S 138 — CA: right to own property, page 41
- S 139 — CA: judicial compensation, page 42
- S 140 — Prohib. person from operating M.V. if windshield is 25% covered w/decals or paint, pages 42, 361
- S 141 — Franchises, repurchase of inventory, pages 42, 658
- S 142 — Comp. bid contracts awarded to resident bidders, pages 42, 227
- S 143 — Judicial retirement fund, page 42
- S 144 — Nat'l Guard Armory in Opelika named, pages 43, 225, 989, 1651, 1677, 1699, Act 535
- S 145 — Pub. record of judge's sentencing history, page 43
- S 146 — Comp. bidding on public utilities contracts, page 43
- S 147 — Public Utilities, conflict of interest bill, page 43
- S 148 — Utility bills based on estimates to so state, page 43
- S 149 — Public Ut's prohib. from sale of service under cost, page 44
- S 150 — Utility meters to show dollar and cent consumption, page 44
- S 151 — Const. convention, pages 44, 220
- S 152 — Car pools exempt from reg. by PSC, page 44
- S 153 — Centralized state purchasing system, page 44
- S 154 — Thermal energy conservation, page 44
- S 155 — U. of No. Ala. granted power of eminent domain, page 44
- S 156 — Law enf. officers to wear bullet proof vests, page 44
- S 157 — Employees of bds. of ed., immunity from civil liability, pages 45, 566
- S 158 — Supervision for inmates released due to good time credit, page 45
- S 159 — Ed. Benefits for Dependents of Blind Parents Act, amended, pages 45, 217, 941

- S 160 — Ed. Benefits to Disabled Vets, amended, pages 45, 292, 942, 947, 1680, 1702, 2140, 2141, Act 585
- S 161 — Felon's right to jury trial regulated, pages 45, 118
- S 162 — Personalized license plates, fees further regulated, pages 45, 297, 1367
- S 163 — Choice of Physician under workmen's comp., pages 45, 658, 1383
- S 164 — Rainbow City Bd. of Ed. election, pages 46, 361, 499
- S 165 — CA: Etowah, procedure for recalling public officials, page 46
- S 166 — CA: Etowah, procedure for electors to recall officials, page 46
- S 167 — Procedure for vote of confidence or recall of public officers, page 46
- S 168 — CA: Leg. to establish procedure for above, page 46
- S 169 — Truck load regulations transferred from HD to DPS, pages 46, 112, 240, 1676, 1692, 2088, 2128, 2144, Act 837
- S 170 — DPS to investigate m.v. accidents in towns under 2,000, pages 47, 227
- S 171 — Dir. of DPS to send notice of expiration to driver's licensee, pages 47, 226, 1557
- S 172 — Proof of damage by liability insurers, page 47
- S 173 — Statements of children in court proceedings, pages 47, 563
- S 174 — Garden Club of Alabama tax exempt, pages 47, 115
- S 175 — Austin Band Boosters, Inc. tax exempt, page 48
- S 176 — Legislative immunity, page 48
- S 177 — Decatur HS, tax exempt, pages 48, 206, 560
- S 178 — CA: legislative immunity 48
- S 179 — Military retirees, st. inc. tax exempt, pages 48, 111, 163, 184, 203, 234, 248, 695
- S 180 — State Personnel Board, pages 48, 227
- S 181 — Credit Unions, pages 48, 230, 667, 1668, 1674, 1700, Act 469
- S 182 — 39th Judicial Circ., pages 49, 113, 246, 932, 992, 1106, Act 377
- S 183 — Agric. diesel and tractor fuel tax exempt, pages 49, 115, 1549
- S 184 — Approp., Bureau of Pub. and Inf., pages 49, 115
- S 185 — Psychologists' licenses, pages 49, 221
- S 186 — Recorder's Ct. judges, m.v. offenses, page 49
- S 187 — Huntsville, bd. of ed. elections, page 49
- S 188 — Huntsville, run-off city elections, page 50
- S 189 — Regulation of counselors, pages 50, 221, 1260

- S 190 — Right or left turn on red, pages 50, 117
- S 191 — Smoking restrictions, page 50
- S 192 — CA: Art. XVIII, elections on CA's, pages 50, 296
- S 193 — Mobile Co., registration of voters, page 50
- S 194 — Registration of perpetual care cemeteries, pages 51, 569, 976
- S 195 — ERS, board restructured, page 51
- S 196 — Uniform date for collection of ad valorem taxes, pages 51, 112, 239
- S 197 — Clergy, privileged communication, pages 51, 219
- S 198 — Dept. of Rev., deposit of tax collections, pages 51, 113, 249, 826
- S 199 — USS Alabama Battleship Commission, pages 52, 321, 574
- S 200 — Investment committee for state funds, pages 52, 116, 820 , 1177
- S 201 — Exceptional children, Inc., et al, tax exempt, pages 52, 112, 239
- S 202 — Dept. of Cons., '78 approp. amended, pages 52, 111, 235, 1807, 1895, 2143, Act 669
- S 203 — Fed. tax return info. safeguarded, pages 52, 113, 247, 1826, 1992, 2143, Act 675
- S 204 — Approp., Forestry Commission, pages 52, 111, 162, 676, 677, 788, Act 97
- S 205 — \$200 million bond issue, ed., cap. outlay, pages 53, 114, 250, 269, 302, 342, 344, 350, 363, 540
- S 206 — Exec. Dept. reorganization bill, page 53
- S 207 — St. Hq., Am. Legion et al, tax exempt, pages 55, 115, 988, 1807, 1896, 2143, Act 670
- S 208 — Firefighters' PS & E Commission further regulated, pages 55, 115, 833, 1705, 1744, 2142, Act 778
- S 209 — Free Codes to cert. co. officials, page 56
- S 210 — Solid waste collection & disposal, pages 56, 222
- S 211 — Free tuition, children of law enf. officers killed in line of duty, approp., pages 56, 113, 248
- S 212 — IRA contributions tax exempt, pages 56, 318
- S 213 — Birth certificate for adopted child born outside United States, page 57
- S 214 — Approp. Cons. Dept., for purchase of Dauphin Island, pages 57, 318, 1533, 1539
- S 215 — Relocation of utility facilities due to highway construction, act amended, pages 57, 1017, 1047
- S 216 — State Docks, competitive bidding, pages 57, 154

- S 217 — Tax on oil & gas wells, distribution, pages 57, 292
- S 218 — Abolishing rights of action on damage claims on defective merchandise, page 58
- S 219 — Licensing of motion pictures, bidding procedures, pages 58, 293
- S 220 — Taking of statements from injured persons prohib. within 15 days, page 58
- S 221 — Commercial Feeds, pages 58, 222, 231, 560, 1531, 2094, 2134, 2144, Act 780
- S 222 — Statute of limitation on damage claims on defective merchandise, page 58
- S 223 — Industrial revenue bonds, notification procedure, pages 59, 227, 1188, 1708, 1744, 2142, Act 586
- S 224 — Registration of boats, page 59
- S 225 — Joint Advisory Board of Family Practice, pages 59, 221
- S 226 — State Docks, transfer of funds, pages 60, 154
- S 227 — Licensure of hospitals, pages 60, 221
- S 228 — Oil used on boats exempt from inspection fee, pages 60, 155
- S 229 — Private tax on leasing business, exemptions, pages 60, 319
- S 230 — ERS, allowable earnings for retirees, pages 60, 221
- S 231 — Retirement Systems, ambiguities clarified, page 60
- S 232 — Mobile County treasurer, exp. all., page 61
- S 233 — Governor, annual report to Legislature, page 61
- S 234 — Sports Hall of Fame, authority, pages 61, 225, 1173, 1814, 1896, 2143, Act 667
- S 235 — Sports Hall of Fame, cond't'l approp., pages 61, 260, 1174, 1814, 1896, 2143, Act 668
- S 236 — Use of minors in depiction of obscenity, felony, page 61
- S 237 — State Docks, amount of revenue bonds increased, pages 61, 154
- S 238 — SETF funds reallocated, page 61
- S 239 — Student grant program, pages 62, 176
- S 240 — Size of bulldozers on highways regulated, pages 62, 321
- S 241 — County law libraries, pages 62, 295
- S 242 — School bus safety provisions, page 62
- S 243 — Commissioner of Agriculture & Industries salary, pages 63, 660, 860, 928, 1713, 1745, 2142, Act 779
- S 244 — Judicial Article, small claims docket, page 63
- S 245 — Workmen's comp., 3rd party actions, page 63

- S 246 — Use of minors in depiction of obscenity, felony, pages 63, 219
- S 247 — SETF, capital outlay appropriation, UAB, page 63
- S 248 — American Legion Auxiliary scholarships, pages 64, 111, 163, 1981, 1992, 2143, Act 676
- S 249 — CA: Henry, probate judge, page 64
- S 250 — Henry, probate judge, page 64
- S 251 — School bus drivers, eyesight requirements, page 64
- S 252 — Motor vehicle drivers, eyesight requirements, page 64
- S 253 — Dothan, city elections, disclosure of campaign contributions, pages 64, 957, 1056, 1290, 1320, 1698, Act 504
- S 254 — Drivers 60 or older, eye exam every four years, page 64
- S 255 — TRS benefits, \$500/month minimum, page 65
- S 256 — Franklin, pistol permits, pages 65, 322
- S 257 — Liquor advertising on billboards, pages 65, 113, 247, 1119, 1122, 1698, Act 434
- S 258 — CA: impeachments, page 65
- S 259 — Code of Military Justice, page 65
- S 260 — CA: mode of amending Const., pages 66, 709
- S 261 — Appropriation Dept. of Health, lab in Jefferson County, page 66
- S 262 — Delivery personnel must use sidewalks, pages 66, 120, 799
- S 263 — Crime Victim's Compensation Commission, pages 66, 293
- S 264 — Tuscaloosa County guilty plea waives right to arraignment, page 66
- S 265 — Insurance agents, licensing requirements, pages 66, 262, 828
- S 266 — Sentencing of convicted offenders, pages 67, 117, 587
- S 267 — Ethics Commission, subpoena powers, page 67
- S 268 — Guilty plea waives right to arraignment, pages 67, 117, 589
- S 269 — CA: Legislature, pages 67, 296
- S 270 — CA: preamble & Declaration of Rights (Art. I), page 67
- S 271 — CA: Mode of amending Constitution (Art. XVIII), pages 68, 220
- S 272 — CA: public officers (Art. XI), page 68
- S 273 — CA: elections (Art. VIII), page 68
- S 274 — CA: reapportionment and redistricting, page 68
- S 275 — Medicaid fiscal agents, page 68
- S 276 — County commissions to serve as planning agencies, pages 69, 228
- S 277 — Six year term for county commissioners, page 69

- S 278 — CA: public education, page 69
- S 279 — Revenue Commissioner, reciprocal agreement with other states on M.V. registration, pages 69, 112, 239, 1669, 1702, 2141, Act 848
- S 280 — Pay raise to state employees who are certified professional secretaries, page 70
- S 281 — Cert. evidence excluded in damage claims on defective goods, page 70
- S 282 — So. Union State Junior College, building named, pages 70, 226, 1359, 1782, 1896, 2143, Act 671
- S 283 — Bds. of education, mileage allocation, pages 70, 566, 1550
- S 284 — Protection against takeover offers, pages 70, 361, 1317
- S 285 — Hazardous waste management, pages 70, 568
- S 286 — Electronic voting systems, pages 71, 220
- S 287 — Misdemeanor to cut trees within highway right-of-way, page 71
- S 288 — Alex City State Junior College, building named, pages 71, 226, 829
- S 289 — IRA contributions deductible, page 71
- S 290 — Order of succession, distribution of real estate of an intestate, page 72
- S 291 — Deposit of municipal funds, page 72
- S 292 — Churches to report certain income, page 72
- S 293 — Tax deduction for child care, page 72
- S 294 — Tax credit for solar heating, page 72
- S 295 — School bus drivers, liability insurance, pages 72, 566
- S 296 — Auburn Heritage Association, tax exempt, page 72, 560
- S 297 — Appropriation cert. state agencies, page 73
- S 298 — Certain D.A.'s compensation, pages 73, 322, 497
- S 299 — Drug substitutions, page 73
- S 300 — CA: distribution of powers of government, page 73
- S 301 — Bank may merge with national banking association with consent of stockholders, pages 73, 118
- S 302 — TRS: certain employees eligible to join, pages 74, 566
- S 303 — Fair trial tax to defray cost of representing indigents, pages 74, 956, 1391
- S 304 — Railroad employees' safety, page 74
- S 305 — Definition of death, pages 74, 177
- S 306 — Cullman County cert. officers, exp. all, page 74



- S 307 — ERS reopened for prior service, pages 75, 218
- S 308 — State law enf. officers and teachers salary adjustment for consumer price index, page 75
- S 309 — Transfer of mechanic's liens, pages 75, 177
- S 310 — Annexation of enclosed territory, page 97
- S 311 — Working hours of firemen, page 97
- S 312 — Lighting criteria for buildings, pages 97, 660
- S 313 — Attorney General financial investigative unit, page 97
- S 314 — Med. licenses, res. training programs, pages 97, 222, 941, 1652, 1677, 1700, Act 536
- S 315 — Gas tax exemptions, page 98
- S 316 — Health education in high schools, pages 98, 231, 567, 800, 1715, 1745, 2142, Act 853
- S 317 — Cullman County co. revenue commissioner, pages 98, 262
- S 318 — Mil. leave of absence benefits, pages 98, 225, 1167
- S 319 — Law license requirements, page 98
- S 320 — Ethics Comm., citizen complaints, pages 98, 224
- S 321 — Fox hunting, pages 98, 599
- S 322 — Water vessel safety, pages 99, 320
- S 323 — Indian Affairs Commission, page 99
- S 324 — Cattle theft, pages 99, 223
- S 325 — Sale of certain animal hides prohibited, pages 99, 1114
- S 326 — Allen Memorial Home, tax exempt, pages 99, 560
- S 327 — Particular Council of Mobile Society of St. Vincent de Paul, tax exempt, pages 99, 561
- S 328 — Little Sisters of the Poor, Home for the Aged, tax exempt, pages 99, 561
- S 329 — Villa Mercy, tax exempt, pages 100, 561
- S 330 — TRS, further inclusions, pages 100, 566
- S 331 — 15th Jud. Circ., pre-trial diversionary program, pages 100, 229, 322
- S 332 — Ins. contracts, credit cards, pages 100, 320
- S 333 — Appropriation, cystic fibrosis program, pages 100, 218
- S 334 — Morgan County board of registrars, pages 100, 225
- S 335 — Loyal Order of Moose, tax exempt, pages 100, 561, 1311, 1807, 1896, 2143, Act 672
- S 336 — Chambers county comm. compensation, pages 101, 572, 613, 1023, 1032, 1106, Act 389

- S 337 — Chambers board of registrars, pages 101, 229, 327, 793, 1023, 1032, 1106, Act 390
- S 338 — Chambers funds for co. comm. salaries, pages 101, 572, 613, 1023, 1032, 1106, Act 391
- S 339 — Certain water authorities, tax exempt, pages 101, 177, 586, 1709, 1745, 2142, Act 854
- S 340 — Wages of discharged employees, page 101
- S 341 — Crime victim's compensation comm., page 141
- S 342 — Persons prev. convicted of certain violent crimes not to be released on bail on subseq. charges, pages 141, 573
- S 343 — Use of firearms in felony, extra penalties, pages 141, 573, 1254
- S 344 — Bear Creek Development Authority, pages 141, 956, 1243, 1635, 1677, 1700, Act 537
- S 345 — Cert. practices in coal sales and deliveries, criminal fraud, pages 141, 295, 1187, 1716, 1745, 2142, Act 855
- S 346 — Cullman County co. purchasing, roads and bridges, pages 141, 229, 328, 1176, 1210, 1698, Act 476
- S 347 — Weighmasters, pages 142, 222, 231
- S 348 — Cotton gins, pages 142, 222, 231
- S 349 — St. Board of Agriculture and Industries membership, pages 142, 222, 231
- S 350 — Pesticides, page 142
- S 351 — Pesticide applicators, pages 143, 223
- S 352 — Attorney General's office, financial investigative unit, page 143
- S 353 — Admission to bail, pages 143, 563
- S 354 — Expansion policy for electric utility plants, page 144
- S 355 — CA: Admission to bail, pages 144, 565
- S 356 — Admin. of funds, Food Stamp Act, pages 144, 217, 667, 837, 911, 1106, Act 359
- S 357 — Fin. inst. excise tax on common parent corporation of bank holding company, pages 144, 197
- S 358 — Occupational therapy, pages 145, 568, 1539, 1561
- S 359 — Fair dismissal procedures for certain school employees, pages 145, 260, 590, 628, 641, 642, 643, 664, 691, 693, 702, 733
- S 360 — Clinical facilities redefined, pages 145, 567, 1273
- S 361 — Firefighters included in mun. civil service systems, page 145
- S 362 — Annual publication of county financial condition, pages 145, 228
- S 363 — Co. liability exemption from road and bridge defects, page 146

- S 364 — Board of examiners of interior designers, page 146
- S 365 — Uniformity of procedure, reappraisal program, pages 146, 319
- S 366 — TRS, ret. contributions for CETA employees, page 146
- S 367 — Sheriffs, compensation, pages 147, 218, 788, 790, 1656, 1679, 1700, Act 538
- S 368 — Procedure for actions re. defective seeds, pages 147, 223
- S 369 — Testing of weighing and measuring devices, pages 147, 223
- S 370 — Forestry Study Committee, pages 147, 223, 231, 291, 583, 590, 1321, 1391, 1699, Act 515
- S 371 — Alternate escrow procedure, pages 147, 180, 940, 1894, 1992, 2143, Act 834
- S 372 — Workmen's Compensation, attorney fees, page 147
- S 373 — Wet cities in dry counties, pages 148, 361
- S 374 — UC notice to seller of non-conformity of goods, page 148
- S 375 — Certified prof. secretary eligible for pay raise, page 148
- S 376 — Supernumerary sheriffs, pages 148, 261, 832
- S 377 — Defenses to liability of manufacturers and sellers, page 148
- S 378 — Voter registration, pages 148, 179
- S 379 — Limestone legislative delegation secretary provided, pages 149, 229, 328, 836, 911, 1106, Act 363
- S 380 — Madison, beer tax stamp procedure, pages 149, 1213
- S 381 — Limestone, Board of registrars, compensation, pages 149, 229, 328, 836, 911, 1106, Act 364
- S 382 — Limestone, Board of registrars, meeting days, pages 150, 229, 329, 836, 912, 1106, Act 365
- S 383 — State tenure commission, page 150
- S 384 — TRS, Board of control, membership, page 150
- S 385 — Locomotives to operate on right-hand side of line when leaving terminal, page 150
- S 386 — Alabama Travel Commission, pages 150, 660, 860, 1386
- S 387 — Appropriation, Alabama A & M capital improvement, pages 151, 218, 1311
- S 388 — Small claims actions, amount increased, use of attorneys, page 151
- S 389 — Soil Classification, practice regulated, pages 151, 224, 1372
- S 390 — 37th Judicial Circuit, County supplement to judges, pages 151, 756, 866
- S 391 — 37th Judicial Circuit, judicial fund, page 151

- S 392 — Church related facilities exempt from Child Care Act, pages 152, 1010, 1369
- S 393 — Bond issues for packing facilities, pages 166, 261, 694
- S 394 — Appropriation to Building Commission, matching funds for physically handicapped accommodations, page 166
- S 395 — Regulation of certain schools and courses of instruction, page 166
- S 396 — Municipalities to provide truck weight limits, page 166
- S 397 — Certificate of driver license revocation admissible as evidence, pages 167, 220
- S 398 — Reporting of juvenile diabetes cases, page 167
- S 399 — Appropriation, Lyman Ward, page 167
- S 400 — Appropriation, Talladega College, page 167
- S 401 — Appropriation, Marion Institute, page 167
- S 402 — Appropriation, Tuskegee Institute, page 167
- S 403 — Appropriation, Walker County Junior College, page 167
- S 404 — Actions for wrongful death to include breach of warranty, defective goods, etc., page 167
- S 405 — Guaranteed student loan program, pages 168, 292, 1392
- S 406 — Appropriation, VICA U.S. Skill Olympics, pages 168, 217, 556, 2010, 2018, 2144, Act 836
- S 407 — Appropriation, UAB Medical Genetics Center, pages 168, 217, 798, 1979, 1992, 2143, Act 824
- S 408 — Appropriation, University of Alabama School of Mines, pages 168, 292, 1386, 1564
- S 409 — Workmen's Compensation, attorney fees, page 168
- S 410 — Livestock theft investigators, pages 169, 224
- S 411 — PSC members, compensation, pages 169, 265
- S 412 — Deposit of county funds in demand deposits, etc., page 169
- S 413 — Appropriation, Auburn University, capital outlay, page 169
- S 414 — Advertising on highways, pages 169, 1117
- S 415 — Payment by those who remove or destroy fallen trees on highway rights-of-way, page 169
- S 416 — Above—misdemeanor, penalties, page 170
- S 417 — Mass transit programs, pages 170, 1118
- S 418 — Superintendent of banks, fee increased from national banks converting to state banks, page 170

- S 419 — Call reports by state banks to superintendent of banks, page 170
- S 420 — Consumer finance, citation of chapter, page 171
- S 421 — Small Loan Act amended, examination fees, per diem of examiners, page 171
- S 422 — \$200 million school bond issue, page 171
- S 423 — M.V. franchisors to indemnify franchisees, pages 172, 184, 197
- S 424 — Licensing of M.V. dealers, pages 172, 184, 197, 806, 1652, 1677, 1700, Act 539
- S 425 — Reports of change of ownership of M.V.'s, pages 172, 184, 198, 810, 1666, 1679, 1700, Act 540
- S 426 — CA: Mobile County home rule, pages 172, 660, 769, 1328, 1620
- S 427 — Mobile County Commission law-making powers, page 172
- S 428 — Mobile County Commission, 3 to 4 members, pages 172, 1115, 1221
- S 429 — Leukemia Society tax exempt, pages 173, 561, 1392
- S 430 — Reserve state trooper force, pages 173, 573, 940
- S 431 — Cert. defenses to liability of manufacturers and sellers in defective product claims, page 173
- S 432 — I-85 interchange at AUM, page 173
- S 433 — Appropriation, AUM, capital outlay, page 173
- S 434 — Soil test for subdivision development, page 186
- S 435 — Circuit court registers, compensation, pages 186, 564
- S 436 — Full time principals, pages 186, 567
- S 437 — Administration Procedure Act, pages 186, 660
- S 438 — Teachers, service status, pages 186, 261
- S 439 — City boards of education, authority clarified, pages 187, 567
- S 440 — County boards of education, authority clarified, pages 187, 567
- S 441 — Interstate Agreement on Detainers Act, pages 187, 220
- S 442 — Child abuse, page 187
- S 443 — Law enforcement officers' bill of rights, pages 187, 573
- S 444 — Institute for Deaf and Blind, Board of trustees, page 188
- S 445 — Teachers pay for sick leave at retirement, pages 188, 261
- S 446 — Teachers, 2 years pay for on-the-job injury, page 188
- S 447 — Mobile home safety standards, conform to HUD, page 188
- S 448 — Used mobile home safety standards, page 188
- S 449 — Penalties for violation of '71 Uniform Standards Code, mobile homes, page 189
- S 450 — State court justices, compensation, page 189

- S 451 — Hospitals, definition expanded, pages 189, 222, 558, 573, 1666, 1679, 1700, Act 468
- S 452 — Intrastate advertising of state parks, pages 189, 264, 320
- S 453 — Highway Finance Corp. bond issue, further provisions, pages 189, 561, 1172
- S 454 — Highway gas tax distribution, pages 189, 561, 1173
- S 455 — Motor fuel excise tax disposition, pages 190, 561, 1173
- S 456 — M.V. license tax distribution, pages 190, 562, 1185
- S 457 — Federal Aid Highway Finance Authority, bond issue further provisions, pages 190, 562, 1185
- S 458 — Peace officers' Annuity and Benefit Fund, pages 190, 224, 798, 1814, 1896, 2143, Act 673
- S 459 — Law enforcement officers, fees for defense of, pages 190, 558
- S 460 — Retired law enforcement officers can carry pistols, pages 191, 225
- S 461 — Law enforcement officers, guaranteed minimum wage, pages 191, 225
- S 462 — Rainbow City Board of Education, pages 191, 230, 329
- S 463 — Rainbow City, city limits, pages 191, 230, 329
- S 464 — Insurer's surplus, loans for bonds only, pages 191, 320
- S 465 — Crenshaw, hospital board, pages 191, 230, 330, 1023, 1032, 1106, Act 392
- S 466 — Retired teachers, hospital insurance, page 192
- S 467 — Rights of professional school employees, pages 192, 565
- S 468 — Public Corporation's for custody of juveniles, pages 192, 564
- S 469 — 37th Judicial Circuit, retired judges, pages 192, 756, 867, 1635, 1678, 1700, Act 451
- S 470 — WWI pensioners, Medicaid, pages 192, 219, 804
- S 471 — Crenshaw, coroner, pages 192, 230, 330, 1022, 1032, 1106, Act 393
- S 472 — Limestone, county officers, compensation, pages 193, 230, 330, 873, 912, 1106, Act 363
- S 473 — Limestone, County Superintendent of Education, pages 193, 230, 331, 872, 912, 1106, Act 367
- S 474 — Branch campuses of state college's prohibited without Legislative approval, page 206
- S 475 — University of North Alabama, eminent domain, pages 206, 564, 833
- S 476 — Board of Exam. of Nursing Home Administrators, page 206
- S 477 — Certain med. and V. S. records excluded from public inspection, page 206

- S 478 — Procedure for altering mun. boundaries, pages 206, 571
- S 479 — "Commissioner of Utilities", pages 207, 262, 523, 527, 536, 538, 665
- S 480 — CA: subject matter of legislative sessions, pages 207, 296
- S 481 — Teachers, sick leave at retirement, page 207
- S 482 — State employees, 1/2 accrued sick leave to beneficiary, page 207
- S 483 — Retirement and disability benefits of judges, page 207
- S 484 — Retirement and disability benefits of judges based on 1/1/78 salaries, page 207
- S 485 — Ad val tax exempt, solar heating, page 208
- S 486 — Troy State University, approp., cap. outlay, page 208
- S 487 — Heating (a.c. business regulated) pages 208, 321, 577, 673, 678, 680, 685, 701, 1694, 1702, 2141, Act 849
- S 488 — Bond issue for public schools, page 208
- S 489 — Sunset Act amended, pages 209, 319
- S 490 — Suppl. approp., Folsom Jr. High, pages 209, 262, 798, 1652, 1678, 1700, Act 542
- S 491 — Childersburg Employees Pension Trust Fund, pages 209, 322, 498, 1022, 1032, 1106, Act 394
- S 492 — Register of historical landmarks, pages 209, 660, 1114
- S 493 — CA: length of leg. sessions, subject matter, pages 210, 295
- S 494 — Cattle theft, pages 210, 658, 914
- S 495 — Alabama State University, approp., cap. outlay, page 210
- S 496 — S. W. Alabama Indian Affairs Comm., pages 210, 293, 1373, 1897, 1992, 2143, Act 677
- S 497 — DeKalb, relief of B.J. Barksdale, pages 210, 573, 615, 1574, 1594, 1699, Act 525
- S 498 — Driver's license exam., location, page 258
- S 499 — Approp., dist. trooper office, Houston, pages 258, 559
- S 500 — Abolishing rights of action due to defective products after certain time, pages 258, 862, 1364
- S 501 — Disaster Loan Fund, pages 258, 293
- S 502 — Ambulances, further regulated, page 258
- S 503 — Ed. benefits, survivors of deceased vets, pages 258, 860
- S 504 — Fraud provisions of Securities Act amended, page 258
- S 505 — Title insurers, unearned premium reserves, pages 259, 569
- S 506 — Approp., cap. outlay, Livingston University, page 259

- S 507 — Board of trustees, Livingston University, pages 259, 567
- S 508 — Invalid personal checks for licenses, page 259
- S 509 — Salaried probate judges, 90% of circuit judge's salary, pages 259, 293, 928, 932, 940, 947
- S 510 — Circuit clerks, etc., duties re: newspapers, page 259
- S 511 — School boards, grievance procedure, page 260
- S 512 — Ombudsman for Disabled Citizens, page 260
- S 513 — License plates for handicapped, page 260
- S 514 — Criminal Code, punishment for murder, page 280
- S 515 — Prof. engineers and land surveyors, page 280
- S 516 — Physicians, dispensing of drugs, pages 280, 568
- S 517 — Peace Officers Magazine, Ad solicitation, page 281
- S 518 — Unsolicited merchandise may be retained, page 281
- S 519 — M.V. odometers, certain acts prohibited, page 281
- S 520 — Auto repair, certain acts prohibited, page 281
- S 521 — Alabama Municipal Electric Authority, page 281
- S 522 — Department of small and minority business enterprise, pages 282, 559, 799
- S 523 — Municipal officers, boards of coop. utilities, pages 282, 570
- S 524 — Tax-exempt property to be assessed, page 282
- S 525 — Probationer residents charged room & board, pages 282, 563
- S 526 — CA: executive department, pages 283, 709
- S 527 — Jefferson County Board of Health, pages 283, 360, 498, 1023, 1032, 1106, Act 381
- S 528 — PSC members, compensation, pages 283, 319
- S 529 — Legislature to control certain parking places, page 283
- S 530 — Judicial retirement system, transfers from TRS, pages 284, 562
- S 531 — Bait advertisement, page 284
- S 532 — Sales tax exemptions on ships built in Alabama, page 284
- S 533 — Institute for Deaf & Blind, board of trustees, page 284
- S 534 — Teachers, 2 years pay for on-the-job injury, page 284
- S 535 — Boat operator's license, pages 284, 599
- S 536 — Municipal Industrial Development Boards, pages 285, 319
- S 537 — "C. J. Rehling Laboratories" named, page 285
- S 538 — Farm machinery exempt from ad valorem tax, pages 285, 320



- S 539 — Houston, hospital board, pages 306, 572, 604, 1209, 1319, 1698, Act 505
- S 540 — Impounding of livestock, pages 306, 1045
- S 541 — Capital outlay appropriation, Livingston University, page 306
- S 542 — Solicitation of money for charity, page 306
- S 543 — Dentists, review committees, pages 306, 567
- S 544 — Notice to pub. ut.'s by blasters, page 307
- S 545 — Approp., No. Alabama. Ed. Opportunity Center, page 307
- S 546 — CA: pub. retirement systems, pages 307, 656, 939, 963
- S 547 — Rainbow City, special election, pages 307, 361, 499, 986, 992, 1106, Act 378
- S 548 — Set of '75 Code in each public library, pages 307, 658
- S 549 — Use of deadly physical force, pages 308, 559, 803, 873
- S 550 — Criminal Code, misc. amendments, pages 308, 559, 803, 879
- S 551 — Criminal Code, repealer section amended, page 308
- S 552 — Alabama Board of Hearing Aid Dealers, page 308
- S 553 — Real Estate Recovery Fund, pages 308, 656, 1197
- S 554 — 18th jud. circ., additional judge, pages 308, 657, 989, 1651, 1678, 1700, Act 543
- S 555 — Motor vehicle licenses, prob. judge's fee, page 309
- S 556 — Silent meditation in public schools, pages 309, 562, 1186, 1774, 1810, 2142, Act 662
- S 557 — SETF to pay for 2nd reappraisal contract, local boards of education, page 309
- S 558 — Anti-pornography, pages 357, 955, 1558, 1972, 1992, 2143, Act 678
- S 559 — Sewell-Thomas Field, page 357
- S 560 — County commissioners exempt from liability in road construction, page 357
- S 561 — Load limit violators, page 357
- S 562 — Anti-pornography, pages 358, 955, 1272, 1680, 1702, 2141, Act 652
- S 563 — Work release programs, page 358
- S 564 — State board of social work examiners, pages 358, 860
- S 565 — Reports of change of ownership of motor vehicles, page 358
- S 566 — No cost-of-living increase for judges, page 359
- S 567 — CA: Russell, fees and court costs, pages 359, 572, 613, 1024, 1033, 1106, Act 361

- S 568 — Publication of poll lists, pages 359, 709, 822, 823
- S 569 — Real estate brokers, pages 359, 569
- S 570 — Registration of pub. accountants, pages 359, 917
- S 571 — Bill of rights, retarded persons, page 359
- S 572 — Etowah, board of education, pages 360, 573, 614, 999, 1033, 1106, Act 395
- S 573 — Mun. retirement system bds., comp., page 540
- S 574 — Barbering, page 541
- S 575 — Sale of articles with i.d.'s altered, pages 541, 917
- S 576 — Marshall, sheriff's employees, pages 541, 756, 867, 1574, 1594, 1699, Act 526
- S 577 — CA: race tracks, page 541
- S 578 — CA: Morgan consol. of pub. offices, pages 541, 601, 761
- S 579 — Pickens County board of education, pages 542, 603, 765, 1175, 1210, 1698, Act 477
- S 580 — 8th Judicial Circuit, d.a. allowances, pages 542, 601, 663, 957, 1056, 1639, 1678, 1700, Act 544
- S 581 — Morgan, rev. commissioner, pages 542, 601, 761, 1574, 1594, 1699, Act 527
- S 582 — Morgan, license inspector, pages 542, 602, 762, 1574, 1594, 1699, Act 528
- S 583 — Morgan, license commissioner, pages 543, 602, 762, 1574, 1594, 1699, Act 529
- S 584 — Minimum wages, public works projects, page 543
- S 585 — Voter registration, page 543
- S 586 — Historic Chattahoochee Commission, pages 543, 860, 1271, 1652, 1678, 1700, Act 545
- S 587 — Temp. motor vehicle license tags, page 543
- S 588 — Marriage age minimum amended, page 543
- S 589 — Emergency med. services in hospitals, page 544
- S 590 — Water works, systems out from under PSC, page 544
- S 591 — Satsuma city limits, pages 544, 600, 758, 1176, 1210, 1698, 1998
- S 592 — Resource recovery boards, page 544
- S 593 — Limestone, fire protection, pages 544, 602, 762, 1073, 1102, 1698, Act 405
- S 594 — Chiropractors, revocation, appeal, page 544
- S 595 — Chiropractors, rights and duties, page 545

- S 596 — Chiropractors, certificates, page 545
- S 597 — Legislature, additional appropriation, pages 545, 656
- S 598 — Ardmore Welcome Center, appropriation, pages 545, 657
- S 599 — Crenshaw, county comm., pages 545, 600, 758, 1287, 1320, 1699, Act 506
- S 600 — CA: Limestone, fire districts, pages 545, 602, 763, 1073, 1102, 1698, Act 362
- S 601 — State employees, salary increase, pages 545, 657, 1316, 1978, 1993, 2143, Act 679
- S 602 — Crenshaw, board of eq., pages 546, 600, 758, 1287, 1320, 1699, Act 507
- S 603 — Co.'s to adopt certain building codes, etc., pages 546, 657, 1393
- S 604 — Controlled substances law amended, page 546
- S 605 — Mobile County, board of health, pages 546, 603, 765, 1176, 1210, 1698, Act 478
- S 606 — Chiropractors, certif. of qualification, page 547
- S 607 — State Forester steering committee, pages 547, 599
- S 608 — Public employees political activities, pages 547, 955, 1363, 1559, 1806, 1961, 2092, 2132, 2141, 2144, Act 819
- S 609 — Controlled substances act, ABC powers, pages 547, 557
- S 610 — Legislators prohib. from cert. atty. activities, page 547
- S 611 — Alabama Golden Age Card, park privileges, pages 547, 599
- S 612 — ERS, mil. service credit, page 547
- S 613 — Morgan, revenue commission, pages 548, 602, 763, 1575, 1594, 1699, Act 530
- S 614 — Morgan, sheriff's comp., pages 548, 602, 763, 1635, 1678, 1700, Act 546
- S 615 — Morgan County Commission, comp., pages 548, 602, 764, 1635, 1678, 1700, Act 547
- S 616 — Morgan, probate judge, comp., pages 548, 602, 764, 1636, 1678, 1700, Act 548
- S 617 — Acupuncture, pages 548
- S 618 — Mobile County Commission, secretaries, pages 548, 658, 766, 1177, 1210, 1698, Act 479
- S 619 — Taking of mistreated animals, page 549
- S 620 — Non-Profit Corp. Act amended, page 549
- S 621 — Municipal merit systems to include deputy sheriffs, pages 549, 957
- S 622 — Kidney Foundation tax-exempt, pages 549, 953, 1313

- S 623 — Gadsden, Board of Commissioners, pages 549, 599, 757, 1176, 1210, 1698, Act 480
- S 624 — Etowah, certain municipal elections, pages 550, 599, 757, 1176, 1211, 1698, Act 481
- S 625 — Election campaign expenditures, pages 550, 709
- S 626 — Uninsured motorists, provisions expanded, page 551
- S 627 — CA: general & local bills defined, pages 551, 709
- S 628 — Industrial parks, page 551
- S 629 — Lee, sheriff's salary, pages 551, 756, 1056, 1651, 1678, 1700, Act 549
- S 630 — ERS, beneficiary provisions, pages 552, 861
- S 631 — Jefferson, 1% lodging tax, pages 552, 794, 973
- S 632 — Council on Arts & Humanities, pages 552, 660, 861
- S 633 — ABC Board, disposition of profits, page 552
- S 634 — Inmates, premature release, good time credit, page 552
- S 635 — Inmates, incentive good time credit, page 552
- S 636 — "B" coding on drivers' licenses for blacks, page 553
- S 637 — Engineering and land surveying, page 553
- S 638 — Spouse abuse, page 553
- S 639 — Rights of physically handicapped, page 553
- S 640 — Buttahatchee River Development Authority, pages 553, 600, 759, 1083, 1168, 1698, Act 439
- S 641 — PSC, appropriation for additional staff, page 554
- S 642 — CA: Buttahatchee River Watershed Area, pages 554, 600, 759, 1094, 1169, 1698, Act 375
- S 643 — Good Samaritan law amended, pages 555, 657
- S 644 — 10th Judicial Circuit additional judge, pages 555, 861, 1247
- S 645 — Jefferson, number of district judges reduced, pages 555, 861, 1313, 1325
- S 646 — Medical Service Administration, felony to falsify claims, page 555
- S 647 — "Association" redefined, pages 555, 917, 1364
- S 648 — Gadsden Ambulance Services tax-exempt, page 555, 953
- S 649 — \$2 million bond issue, capitol parking facility, pages 556, 953
- S 650 — Municipal utility systems, page 556
- S 651 — Health Planning & Development Act amended, page 596
- S 652 — Filing fee for deeds etc. to State Treasurer, pages 596, 953, 1392
- S 653 — Trapping of foxes illegal, pages 596, 1114

- S 654 — Leg-hold traps illegal, pages 596, 1114
- S 655 — Jefferson retirement system amended Sec. 1, pages 596, 659, 1063
- S 656 — Jefferson retirement system amended Sec. 12, pages 596, 659, 972
- S 657 — Jefferson retirement system amended Sec. 10, pages 597, 659, 973
- S 658 — St. Clair County Commission expenses, pages 597, 1214, 1331
- S 659 — Appropriation capital outlay, Institute for Deaf and Blind, pages 597, 861, 1318, 1715, 1745, 2142, Act 587
- S 660 — Appropriation Institute for Deaf and Blind, Workshop, pages 597, 862, 1318, 1715, 1745, 2142, Act 588
- S 661 — Relief of Thomas H. Frazier, pages 597, 862
- S 662 — Chambers, County commission compensation, pages 598, 756, 867
- S 663 — Chambers, County Commission, '77 act repealed, pages 598, 757, 868
- S 664 — County engineers, qualification, page 598
- S 665 — Workmen's compensation, 3rd party actions, page 598
- S 666 — Minimum wages under public works projects, pages 598, 917
- S 667 — Russell, district court judge, pages 653, 711, 768, 1073, 1102, 1698, Act 407
- S 668 — Education Building Authority Act amended, pages 653, 1045
- S 669 — Supernumerary public officials, page 653
- S 670 — Industrial parks, pages 653, 672, 708
- S 671 — Dental hygienists, page 653
- S 672 — Dentists malpractice insurance, pages 653, 1114, 1550
- S 673 — Jefferson retirement system, pages 654, 1220
- S 674 — Code supplement, pages 654, 863, 1549, 1807, 1896, 2143, Act 674
- S 675 — Capital outlay for 7 emergency post secondary educational institutions, pages 654, 862
- S 676 — Monroe, Board of Education, pages 654, 863, 965, 1288, 1320, 1699, Act 508
- S 677 — 35th Judicial Circuit, solicitor's fund, pages 654, 863, 966, 1288, 1320, 1699, Act 509
- S 678 — Farm equipment inventory filed with secretary of state, page 655
- S 679 — State forester, law enforcement officers, pages 655
- S 680 — Judicial sales for delinquent taxes, page 704
- S 681 — CB radios, pages 704, 917
- S 682 — 35th judicial circuit, Solicitor's Fund, pages 704, 863, 966
- S 683 — Etowah, vacancies, elected county offices, pages 704, 794, 869, 1774, 1810, 2142, Act 879

- S 684 — Etowah, vacancies elected judicial offices, pages 704, 794, 869, 1773, 1810, 2142, Act 880
- S 685 — Reserve deputy sheriffs, pages 705, 956, 1367, 1561
- S 686 — Jeff., constables, comp., pages 705, 1045, 1133
- S 687 — CA: Jeff., Ass't. Probate Judge, pages 705, 1045, 1134
- S 688 — Certain charitable organizations tax exempt, pages 705, 954
- S 689 — Russell County officers comp., pages 705, 794, 870, 1073, 1102, 1698, Act 408
- S 690 — DeKalb, gas excise tax, pages 706, 794, 870, 1743, 1810, 2142, Act 881
- S 691 — Jasper Utilities Board, pages 706., 794, 871, 1073, 1102, 1698, Act 406
- S 692 — Surface Mining Comm., federal grants, pages 706, 917, 1187
- S 693 — Compensation, state justices, page 706
- S 694 — Compensation, circ. and district judges, page 706
- S 695 — Mobile, co. treasurer, pages 706, 1214, 1331, 1775, 1810, 2142, Act 882
- S 696 — Mobile, board of registrars, act repealed, pages 707, 957, 1057, 1775, 1810, 2142, Act 884
- S 697 — Mobile, board of registrars, new act pages 707, 957, 1057, 1775, 1810, 2142, Act 885
- S 698 — Mobile, law enforcement officers, right, pages 707, 1214, 1332
- S 699 — Mobile, elected officials, retirement, pages 708, 1214, 1332
- S 700 — Elmore, massage parlors, pages 708, 757, 869, 1635, 1679, 1700, Act 550
- S 701 — Department of Youth Services, pages 708, 954
- S 702 — Retirement Systems, pages 708, 954
- S 703 — Pell City, city limits, pages 768, 794, 871, 1176, 1211, 1563, 1698, Act 482
- S 704 — Montgomery County Employees' Retirement System, pages 768, 1010, 1069, 1551, 1699, Act 531
- S 705 — Receipts from collegiate athletic contests, page 768
- S 706 — Ad val. tax exemptions, pages 769, 1045
- S 707 — Insurance companies, report requirements, page 795
- S 708 — Trade Practices Law amended, page 795
- S 709 — Governor and Lt. Governor cannot succeed themselves, page 795
- S 710 — Limestone, court reporter, pages 795, 917, 966, 1651, 1679, 1700, Act 551

- S 711 — Marshal, board of registrars, pages 796, 918, 969, 1288, 1320, 1699, Act 510
- S 712 — Mentally disturbed, treatment regulated, page 796
- S 713 — Calhoun, certain co. officers, salaries, pages 796, 917, 974, 1252, 1315, 1384, 1576, 1594, 1699, Act 532
- S 714 — Calhoun, tax assessor, pages 796, 918, 967
- S 715 — Regulating transactions in obtaining control of a state bank, page 796
- S 716 — Closing of bank, 3-week publication requirement waived, pages 797, 1045
- S 717 — Branch banks, pages 797
- S 718 — Jeff., ass't Judge of Probate, pages 797, 1134
- S 719 — Branch banks, page 797
- S 720 — Discharging firearm into occupied dwelling, page 798
- S 721 — Shrine motorcycle club, license plates, pages 847
- S 722 — ERS, cred. service for full-time mil. service, page 847
- S 723 — 36th Judicial Circuit, additional filing fee, pages 847, 1011, 1070, 1288, 1320, 1699, Act 511
- S 724 — Land survey and engineer services, mechanics lieu, page 847
- S 725 — Regulation of liquid petroleum gas, pages 847, 1118, 1365
- S 726 — Russellville city limits, pages 847, 958, 1058, 1289, 1320, 1699, Act 512
- S 727 — Franklin, pistol permit act repealed, pages 848, 958, 1058, 1288, 1320, 1699, Act 513
- S 728 — Franklin, new pistol permit act, pages 848, 958, 1059, 1288, 1321, 1699, Act 514
- S 729 — Jeff., inland waterway development, pages 848, 1045, 1136
- S 730 — Wild dogs and coyotes, pages 849, 1114
- S 731 — Regulation of practice of architecture, page 849
- S 732 — Cert. mun. corp., directors' fee, pages 850, 956, 969
- S 733 — Mortgage Finance Authority, towns 3,000 or less, page 850
- S 734 — Baldwin, tax ass. and coll., pages exp. all., 851, 918, 968
- S 735 — Walker, district judges comp., pages 851, 918, 967, 1779, 1811, 2142, Act 886
- S 736 — Citronelle, city limits, page 851
- S 737 — Use taxes, payment further regulated, page 852
- S 738 — Jackson, sheriff's office, pages 852, 919, 970, 1703, 1743, 1823, 1982, 1993, 2143, Act 835

- S 739 — Oil, pages 912, 1011, 1069, 1096, 1669, 1701, 2141, Act 724
- S 740 — Mobile, pension system, pages 912, 959, 1067, 1775, 1811, 2142, Act 887
- S 741 — Additional deputy comm. of corrections, pages 913, 954, 1169, 1689, 1693, 1695, 1967, 1984, 2008, 2018, 2144, Act 595
- S 742 — Historical Commission personnel, page 913
- S 743 — Jefferson Municipal ad valorem tax exemptions, pages 913, 1046, 1137
- S 744 — CA: Jefferson fire & garbage districts, pages 913, 956, 1057
- S 745 — Income tax exemption for blind, page 913
- S 746 — Building at GCW Community College named, page 914
- S 747 — License plates, Congressional Medal of Honor winners, pages 914, 954
- S 748 — Lawrence, circuit judge, pages 961, 1013, 1082, 1651, 1679, 1700, Act 552
- S 749 — County Boards of Equalization compensation, pages 961, 1043, 1366
- S 750 — Attorneys, license tax, page 961
- S 751 — Admission to bar, fees, page 962
- S 752 — Bar Association, annual dues, page 962
- S 753 — Trapping of fur-bearing animals, page 962
- S 754 — Junior League of Tuscaloosa, tax exempt, page 962
- S 755 — Phoenix House, Tuscaloosa, tax exempt, page 962
- S 756 — Jefferson merit system employees vacation, pages 999, 1344, 1595
- S 757 — 28th Judicial Circuit, district judges, pages 1000, 1047, 1138
- S 758 — Crenshaw, hunting preserve, pages 1000, 1115, 1222
- S 759 — TVA, distribution of funds, pages 1000, 1041, 1043, 1120, 1130, 1157, 1829
- S 760 — CA: single retirement system, pages 1000, 1044, 1257, 1274, 1309, 1827, 2106, 2127, 2129, 2132
- S 761 — Walker, Superintendent of Education, salary, pages 1000, 1214, 1332, 1777, 1811, 2142, Act 888
- S 762 — Aviation Hall of Fame, page 1001
- S 763 — Minors in pool halls, page 1001
- S 764 — Baldwin, utility Board of Directors, pages 1001, 1047, 1138
- S 765 — Community action agencies, page 1001
- S 766 — Appropriation SETF, Community Action agencies, page 1001
- S 767 — Escambia County Commission, exp., pages 1001, 1214, 1333, 1776, 1811, 2142, Act 826



- S 768 — Escambia, sheriff and deputies compensation, pages 1002, 1214, 1333, 1776, 1811, 2142, Act 827
- S 769 — Escambia, sheriff compensation, pages 1002, 1214, 1334, 1776, 1811, 2142, Act 828
- S 770 — Escambia, cosmetologists, pages 1002, 1215, 1334, 1776, 1811, 2142, Act 829
- S 771 — Escambia, oil & gas privilege tax, pages 1002, 1215, 1334, 1777, 1811, 2142, Act 883
- S 772 — Escambia, County personnel board, pages 1003, 1215, 1335, 1776, 1812, 2142, Act 893
- S 773 — Escambia, Industrial Development Authority, pages 1003, 1215, 1335, 1776, 1812, 2142, Act 894
- S 774 — Marion, Superintendent of Education, expense allowance, pages 1003, 1047, 1139, 1651, 1679, 1700, Act 553
- S 775 — Cullman, certain county officials, salaries, pages 1004, 1215, 1335, 1778, 1812, 2142, Act 895
- S 776 — Cullman, TVA payments, pages 1004, 1215, 1336, 1778, 1812, 2142, Act 896
- S 777 — Cullman, tax assessor and collector compensation, pages 1004, 1215, 1336, 1778, 1812, 2143, Act 897
- S 778 — Cullman, road employees, pages 1004, 1215, 1336, 1778, 1812, 2143, Act 889
- S 779 — Cullman, volunteer fire department, purchases, pages 1005, 1216, 1337, 1778, 1813, 2143, Act 890
- S 780 — Walker County civil service system, pages 1005, 1216, 1337, 1777, 1813, 2143, Act 891
- S 781 — Walker, license division created, pages 1005, 1216, 1338, 1777, 1813, 2143, Act 892
- S 782 — Walker, no prison referendum, pages 1005, 1216, 1338, 1778, 1813, 2143, Act 830
- S 783 — SETF appropriation capital improvements, pages 1006, 1044, 1292
- S 784 — ERS, removing certain penalties, page 1006
- S 785 — Supernumerary County officials, page 1006
- S 786 — Military reserve, certain tax exemptions, page 1006
- S 787 — Birmingham pension and relief system, pages 1052, 1115, 1223, 1243
- S 788 — St. Clair, civil service merit system, pages 1052, 1216, 1338, 1778, 1813, 2143, Act 831
- S 789 — Montgomery Board of Registrars compensation, pages 1053, 1217, 1339, 1775, 1813, 2143, Act 833
- S 790 — Montgomery, additional pistol permit fee, pages 1053, 1217, 1339

- S 791 — Montgomery, invalid personal checks for licenses, pages 1053, 1217, 1340, 1775, 1813, 2143, Act 832
- S 792 — Jefferson annexation of fire districts, debts, pages 1053, 1116, 1225
- S 793 — Jefferson fire districts annexation, act repealed, pages 1054, 1116, 1226
- S 794 — 30th Judicial Circuit, D.A.'s secretary compensation, pages 1054, 1217, 1341
- S 795 — Fishing traps etc., to be identified, page 1054
- S 796 — St. Clair, beer tax revenues, pages 1054, 1217, 1340
- S 797 — Macon County, compensation, certain officers, pages 1132, 1221, 1342
- S 798 — Macon County, certain officers on salary basis, pages 1132, 1220, 1341
- S 799 — Banning obscene films, pages 1133, 1218, 1373
- S 800 — Retirement system, cities 250,000 or more, page 1133

## REGULAR SESSION 1978

## NUMERICAL INDEX

## HOUSE BILLS

- HB 1 — Pages 214, 294, 1241, 1720, 1779, Act 653  
HB 3 — Pages 1151, 1218, 2134  
HB 9 — Pages 952, 1212  
HB 10 — Pages 1104, 1359, 2110, 2135, 2140, Act 770  
HB 11 — Pages 1112, 1212, 1643, 1721, 1780, Act 592  
HB 13 — Pages 212, 569, 1650, 1667, 1720, 1779, Act 654  
HB 16 — Pages 174, 262, 332, 346, Act 18  
HB 44 — Page 1575  
HB 54 — Pages 193, 225, 2021, 2108, 2129, Act 589  
HB 61 — Pages 277, 294, 617, 1103, 1124, Act 409  
HB 80 — Pages 291, 570  
HB 82 — Pages 174, 263, 332, 346, Act 21  
HB 87 — Pages 342, 656, 1639, 1712, Act 598  
HB 88 — Pages 509, 558  
HB 94 — Pages 211, 297, 793, 876, 937, Act 368  
HB 104 — Pages 339, 572, 607, 645, Act 257  
HB 105 — Pages 340, 794, 871, 936, Act 369  
HB 113 — Pages 340, 602, 764, 831, Act 348  
HB 115 — Pages 340, 603, 765, 831, Act 349  
HB 118 — Pages 952, 1211  
HB 119 — Pages 309, 559, 1006, 1097, 1099, 1159, 1649, 1711, Act 599  
HB 122 — Pages 508, 702, 859  
HB 123 — Pages 1570, 1590, 2108, 2137, Act 764  
HB 128 — Pages 211, 318, 1692, 2107, 2138, Act 820  
HB 133 — Page 1113  
HB 135 — Pages 277, 1584, 1593  
HB 137 — Pages 680, 952, 1650, 1680, 1816, 1829, 2105, 2131, 2139, Act 771  
HB 138 — Pages 1029, 1047, 1139, 1171, Act 435  
HB 139 — Pages 952, 1010  
HB 140 — Pages 509, 657  
HB 143 — Pages 836, 953, 1643, 1680, 2128  
HB 147 — Pages 298, 1044, 2133, 2139, Act 772  
HB 150 — Pages 1112, 1578, 1648, 1691, 1737, Act 578  
HB 152 — Pages 951, 1113, 1640, 1712, Act 591  
HB 158 — Pages 277, 703, 862, 965, 1039, Act 396  
HB 159 — Pages 340, 362, 500, 623, Act 255  
HB 160 — Pages 335, 362, 687, 1055, 1097, 1130, Act 410  
HB 170 — Pages 174, 859, 914, 919, 975, 1671, 1676, 1967, 1987, Act 593  
HB 171 — Pages 1327, 1586, 1805, 1817, Act 728  
HB 173 — Pages 836, 1010, 1675, 1735, Act 616  
HB 179 — Pages 1111, 1212, 2134, 2140, Act 590

- HB 182 — Page 298
- HB 184 — Pages 212, 565, 1659, 1734, Act 617
- HB 185 — Pages 1573, 1589, 1755, 1818, Act 730
- HB 188 — Pages 837, 1114, 1343, 1538, Act 516
- HB 190 — Pages 174, 659, 767, 831
- HB 217 — Pages 211, 294, 1688, 1738, Act 618
- HB 218 — Pages 339, 795, 872, 936, Act 370
- HB 222 — Page 853
- HB 227 — Pages 174, 230, 331, 346, Act 19
- HB 228 — Pages 175, 230, 331, 346, Act 20
- HB 234 — Pages 277, 562, 1224, 1720, 1779, Act 655
- HB 241 — Pages 244, 599
- HB 242 — Pages 336, 362, 500, 623, Act 256
- HB 244 — Pages 691, 1043, 1399, 1710, 2023, 2110, Act 597
- HB 245 — Pages 944, 1218, 1650, 1830, 1897, 1993
- HB 249 — Pages 689, 1219, 1651, 2022, 2109, Act 758
- HB 262 — Pages 1111, 1212
- HB 269 — Pages 244, 859
- HB 274 — Pages 1319, 1593
- HB 283 — Page 994
- HB 291 — Pages 175, 1353, 1617, 1729, Act 600
- HB 294 — Pages 1106, 1213
- HB 300 — Pages 336, 601, 760, 831, Act 350
- HB 304 — Pages 213, 291, 1240, 1538, Act 517
- HB 308 — Pages 215, 362, 1661, 1719, 1780, 1989, 2013, Act 594
- HB 312 — Pages 336, 572, 606, 645, Act 258
- HB 313 — Pages 336, 571, 606, 645, Act 259
- HB 316 — Pages 338, 571, 605, 645, Act 260
- HB 317 — Pages 336, 571, 606, 645, Act 261
- HB 318 — Pages 337, 571, 607, 976, 984, Act 379
- HB 325 — Pages 1205, 1369
- HB 327 — Pages 853, 1584, 1590, 2127, 2138, Act 773
- HB 331 — Pages 1026, 1353, 1616, 1730, Act 615
- HB 332 — Pages 1108, 1219, 1681, 1737, Act 579
- HB 333 — Pages 1109, 1219, 1681, 1737, Act 580
- HB 334 — Pages 1109, 1219, 1681, 1738, Act 581
- HB 335 — Pages 1109, 1219, 1682, 1738, Act 582
- HB 336 — Pages 1109, 1220, 1682, 1738, Act 583
- HB 342 — Pages 1108, 1213, 1669, 1735, Act 840
- HB 346 — Page 1291
- HB 351 — Pages 337, 1584, 1593
- HB 352 — Pages 337, 1584, 1593
- HB 353 — Pages 338, 571, 605, 645, Act 262
- HB 356 — Pages 339, 568
- HB 363 — Pages 1113, 1358, 2132, 2139, Act 774
- HB 364 — Pages 341, 601, 760, 831, Act 351

HB 375 — Pages 213, 658, 1685, 1722, 1780, Act 656  
HB 381 — Page 337  
HB 384 — Pages 277, 321, 1344, 1538, Act 518  
HB 387 — Pages 342, 571, 605, 645, Act 263  
HB 400 — Pages 536, 655, 723, 771, 805, 986, 1009, 1043, 1165, 1829  
HB 401 — Pages 537, 655, 778, 805, 1164  
HB 402 — Pages 537, 656, 783, 805, 1165  
HB 403 — Pages 537, 656, 786, 805, 1166  
HB 413 — Pages 337, 571, 604, 645, Act 264  
HB 424 — Pages 341, 600, 757, 831, Act 352  
HB 426 — Pages 1110, 1217, 1360, 1649, 1741, Act 584  
HB 431 — Pages 335, 570, 663, 684, Act 96  
HB 432 — Pages 341, 1592  
HB 435 — Pages 1112, 1592, 2136, 2140, Act 775  
HB 442 — Pages 689, 1219, 1651, 2021, 2109, Act 759  
HB 443 — Pages 1111, 1345, 1683, 1739, Act 619  
HB 450 — Page 530  
HB 451 — Pages 689, 1219, 1651, 2022, 2109, Act 760  
HB 452 — Pages 689, 1219, 1651, 2022, 2109, Act 761  
HB 480 — Pages 1575, 1586, 2109, 2138, Act 765  
HB 482 — Page 837  
HB 483 — Page 837  
HB 484 — Pages 1174, 1586, 2133, 2138, Act 776  
HB 486 — Pages 689, 1219, 1651, 2023, 2109, Act 747  
HB 494 — Pages 994, 1051, 1149, 1246, Act 483  
HB 502 — Pages 925, 1048, 1141, 1171, Act 386  
HB 506 — Page 1581  
HB 509 — Pages 1324, 1366  
HB 510 — Pages 1324, 1366  
HB 511 — Pages 1324, 1366  
HB 522 — Pages 993, 1221, 1342, 1538, Act 519  
HB 541 — Pages 802, 1044, 1343, 1538, Act 520  
HB 547 — Pages 347, 603, 964, 1039, Act 397  
HB 548 — Pages 347, 603, 964, 1039, Act 398  
HB 550 — Page 927  
HB 557 — Pages 1152, 1220, 2132, 2138, Act 822  
HB 561 — Pages 1570, 1592, 1770, 1821, Act 856  
HB 562 — Pages 1570, 1592, 1770, 1821, Act 857  
HB 575 — Pages 1112, 1579  
HB 584 — Page 1236  
HB 585 — Pages 926, 958, 1059, 1104, 1124, Act 411  
HB 589 — Pages 852, 1049, 1143, 1244, Act 484  
HB 608 — Pages 830, 1579  
HB 621 — Pages 852, 1049, 1143, 1244, Act 485  
HB 630 — Pages 857, 958, 1061, 1127, Act 413  
HB 631 — Pages 927, 1345, 1595, 1721, 1781, Act 657

- HB 633 — Pages 927, 1345, 1596, 1723, 1781, Act 658  
HB 642 — Pages 853, 918, 969, 1039, Act 399  
HB 648 — Pages 830, 1369  
HB 651 — Pages 926, 1116, 1226, 1722, 1781, Act 659  
HB 652 — Pages 1175, 1593, 2135, 2140, Act 777  
HB 663 — Pages 853, 1011, 1070, 1126, Act 412  
HB 688 — Pages 1175, 1352, 1614, 1728, Act 601  
HB 702 — Pages 839, 1049, 1144, 1244, Act 486  
HB 704 — Pages 856, 1049, 1144, 1245, Act 487  
HB 705 — Pages 840, 1049, 1144, 1723, 1780, Act 472  
HB 706 — Pages 840, 1050, 1145, 1244, Act 488  
HB 707 — Pages 856, 1050, 1146, 1245, Act 489  
HB 711 — Pages 1110, 1212, 1689, 1738, Act 620  
HB 712 — Pages 994, 1591, 1770  
HB 714 — Pages 1279, 1352, 1616, 1729, Act 471  
HB 717 — Page 1581  
HB 719 — Pages 1074, 1586, 1749  
HB 729 — Page 1329  
HB 730 — Pages 1573, 1591, 1769, 1821, Act 858  
HB 732 — Pages 853, 918, 969, 1039, Act 400  
HB 733 — Page 993  
HB 734 — Page 993  
HB 737 — Pages 1029, 1050, 1146, 1246, Act 490  
HB 744 — Pages 854, 960, 1068, 1126, Act 414  
HB 745 — Pages 854, 960, 1068, 1126, Act 415  
HB 746 — Pages 856, 1352, 1616, 1729, Act 602  
HB 756 — Pages 984, 1589, 1757, 1961, 1962, Act 738  
HB 757 — Pages 1076, 1352, 1614, 1728, Act 746  
HB 758 — Pages 923, 967, 1116, 1227, 1277, Act 498  
HB 761 — Page 931  
HB 767 — Pages 1155, 1218, 1344, 1539, Act 521  
HB 768 — Pages 924, 1011, 1078, 1127, Act 416  
HB 769 — Pages 1154, 1218, 2108, 2137, Act 766  
HB 770 — Pages 854, 960, 1068, 1126, Act 382  
HB 772 — Pages 1580, 1586, 2126, 2137, Act 767  
HB 773 — Pages 1580, 1586, 2126, 2137, Act 768  
HB 774 — Pages 1580, 1586, 2127, 2137, Act 769  
HB 778 — Pages 839, 1050, 1146, 1245, Act 491  
HB 779 — Pages 839, 1050, 1147, 1245, Act 492  
HB 781 — Pages 1025, 1346, 1599, 1725, Act 603  
HB 783 — Pages 857, 1346, 1598, 1725  
HB 785 — Pages 1237, 1357, 1630, 1740, Act 621  
HB 786 — Pages 1237, 1587, 1748, 1817, Act 859  
HB 788 — Pages 1237, 1587, 1748, 1817, Act 731  
HB 793 — Pages 1567, 1587, 1748, 1817, Act 732  
HB 794 — Pages 857, 958, 1062, 1126, Act 417

HB 795 — Pages 1329, 1586  
HB 805 — Pages 993, 1117, 1228, 1278, Act 473  
HB 808 — Pages 926, 958, 1062, 1104, 1124, Act 418  
HB 810 — Pages 858, 918, 967, 1039, Act 401  
HB 811 — Pages 858, 918, 968, 1039, Act 402  
HB 812 — Pages 994, 1357, 1629, 1739, Act 622  
HB 813 — Pages 995, 1357, 1631, 1740, Act 623  
HB 814 — Pages 995, 1357, 1630, 1740, Act 624  
HB 818 — Pages 1111, 1211, 1650, 1712, Act 604  
HB 819 — Pages 994, 1117, 1228, 1278, Act 474  
HB 820 — Page 1237  
HB 821 — Pages 854, 958, 1064, 1126, Act 419  
HB 822 — Pages 855, 1011, 1078, 1127, Act 387  
HB 823 — Pages 838, 1011, 1079, 1127, Act 384  
HB 824 — Pages 945, 1013, 2133, 2138, Act 596  
HB 825 — Pages 838, 1012, 1079, 1128, Act 385  
HB 826 — Pages 838, 1013, 1082, 1128, Act 420  
HB 827 — Pages 854, 958, 1064, 1127, Act 421  
HB 828 — Pages 855, 1357, 1631, 1740, Act 625  
HB 832 — Pages 855, 958, 1064, 1127, Act 422  
HB 837 — Pages 1279, 1351, 1613, 1730, Act 626  
HB 838 — Pages 858, 1012, 1081, 1128, Act 423  
HB 839 — Pages 858, 959, 1065, 1127, Act 424  
HB 841 — Pages 803, 1044, 1689, 1739, Act 841  
HB 851 — Pages 839, 1012, 1079, 1128, Act 425  
HB 854 — Pages 802, 860, 1100, 1159, 1177, 1182, Act 380  
HB 856 — Pages 857, 1357, 1630, 1740, Act 627  
HB 867 — Pages 855, 918, 970, 1040, Act 403  
HB 869 — Pages 1112, 1220  
HB 882 — Pages 1152, 1358, 1632, 1740, Act 628  
HB 883 — Pages 1105, 1366, 1580, 1638, 1712, Act 782  
HB 885 — Pages 995, 1051, 1148, 1246, Act 465  
HB 886 — Pages 995, 1051, 1148, 1246, Act 466  
HB 887 — Pages 996, 1051, 1148, 1246, Act 467  
HB 891 — Pages 803, 1580  
HB 894 — Pages 1020, 1117, 1228, 1278, Act 475  
HB 895 — Pages 842, 1352, 1615, 1729, Act 605  
HB 896 — Pages 842, 918, 968, 1040, Act 404  
HB 897 — Pages 843, 1012, 1080, 1128, Act 426  
HB 898 — Pages 843, 1353, 1618, 1730, Act 629  
HB 900 — Pages 996, 1351, 1613, 1728, Act 606  
HB 901 — Pages 990, 1117, 1229, 1278, Act 499  
HB 902 — Pages 858, 959, 1065, 1127, Act 427  
HB 903 — Pages 859, 959, 1065, 1125, Act 428  
HB 904 — Pages 1022, 1051, 1147, 1245, Act 493  
HB 905 — Page 1152

- HB 906 — Pages 841, 959, 1066, 1125, Act 429
- HB 908 — Page 1075
- HB 919 — Pages 931, 1012, 1080, 1128, Act 376
- HB 921 — Page 931
- HB 922 — Page 1017
- HB 923 — Pages 1020, 1345, 1597, 1725, Act 607
- HB 925 — Pages 1237, 1587, 1747, 1817, Act 860
- HB 927 — Pages 843, 959, 1066, 1125, Act 430
- HB 932 — Pages 924, 1352, 1746, 1816, Act 733
- HB 933 — Pages 924, 1354, 1747, 1816, Act 861
- HB 934 — Pages 930, 1354, 1747, 1816, Act 867
- HB 935 — Pages 930, 1353, 1746, 1816, Act 878
- HB 937 — Pages 841, 959, 1066, 1104, 1125, Act 431
- HB 941 — Pages 1021, 1359, 1634, 1742, Act 630
- HB 942 — Pages 841, 1012, 1081, 1129, Act 432
- HB 944 — Pages 1030, 1353, 1620, 1711, Act 470
- HB 945 — Pages 996, 1013, 1083, 1128, Act 433
- HB 946 — Pages 1021, 1117, 1229, 1278, Act 500
- HB 947 — Pages 996, 1047, 1139, 1172, 1647, 1734, Act 713
- HB 948 — Pages 841, 1353, 1619, 1731, Act 631
- HB 949 — Pages 842, 1354, 1622, 1711, Act 608
- HB 950 — Pages 1238, 1354, 1621, 1711, Act 692
- HB 952 — Pages 844, 1353, 1619, 1731, Act 632
- HB 961 — Pages 1280, 1587, 1749, 1820, Act 734
- HB 964 — Pages 1281, 1588, 1753, 1820, Act 735
- HB 969 — Pages 1021, 1353, 1619, 1731, Act 633
- HB 970 — Pages 930, 1354, 1622, 1731, Act 634
- HB 976 — Pages 923, 1354, 1620, 1731, Act 635
- HB 977 — Pages 924, 1354, 1621, 1731, Act 636
- HB 978 — Pages 923, 1052, 1149, 1721, 1780, Act 660
- HB 979 — Pages 923, 960, 1067, 1125, Act 388
- HB 980 — Pages 1025, 1354, 1621, 1731, Act 843
- HB 981 — Pages 1030, 1048, 1140, 1172, Act 440
- HB 982 — Pages 1030, 1048, 1140, 1172, Act 436
- HB 985 — Pages 1030, 1115, 1222, 1278, Act 501
- HB 986 — Pages 1031, 1115, 1222, 1278, Act 502
- HB 987 — Pages 1154, 1354, 1622, 1711, Act 610
- HB 988 — Pages 1031, 1350, 1610, 1771
- HB 990 — Pages 990, 1117, 1229, 1361, 1653, 1721, 1780, Act 661
- HB 994 — Pages 1155, 1221, 1343, 1539, Act 522
- HB 996 — Pages 1031, 1355, 1623, 1732, Act 637
- HB 999 — Page 1020
- HB 1001 — Pages 1025, 1355, 1623, 1732, Act 714
- HB 1002 — Pages 1025, 1346, 1599, 1725, Act 693
- HB 1003 — Pages 1026, 1346, 1600, 1726, Act 694
- HB 1005 — Pages 1026, 1115, 1223, 1278, Act 503
- HB 1007 — Pages 1153, 1347, 1601, 1726, Act 695



- HB 1008 — Page 1330
- HB 1009 — Pages 1026, 1347, 1601, 1726, Act 696
- HB 1010 — Pages 1027, 1591
- HB 1011 — Pages 1027, 1347, 1602, 1727, Act 697
- HB 1012 — Pages 1027, 1347, 1602, 1727, Act 698
- HB 1013 — Pages 1024, 1048, 1140, 1772
- HB 1014 — Pages 1027, 1049, 1142, 1772, Act 437
- HB 1015 — Pages 1028, 1347, 1601, 1726, Act 699
- HB 1016 — Pages 1017, 1347, 1602, 1726, Act 700
- HB 1017 — Pages 1017, 1051, 1148, 1246, Act 494
- HB 1018 — Pages 1018, 1051, 1149, 1246, Act 495
- HB 1019 — Pages 1018, 1052, 1150, 1247, Act 496
- HB 1020 — Pages 1018, 1352, 1615, 1729, Act 702
- HB 1021 — Pages 1018, 1352, 1615, 1729, Act 703
- HB 1022 — Pages 1076, 1351, 1614, 1728, Act 701
- HB 1023 — Pages 1074, 1350, 1610, 1730, Act 715
- HB 1024 — Pages 1105, 1580, 1691, 1738, Act 716
- HB 1025 — Pages 1184, 1345, 1597, 1725, Act 704
- HB 1026 — Pages 1019, 1049, 1142, 1172, Act 438
- HB 1028 — Pages 1074, 1346, 1598, 1723, 1781, Act 725
- HB 1033 — Pages 1074, 1350, 1609, 1730, Act 717
- HB 1034 — Pages 1175, 1593
- HB 1038 — Pages 1019, 1049, 1143, 1244, Act 497
- HB 1039 — Pages 1019, 1350, 1608, 1750
- HB 1040 — Pages 1028, 1346, 1600, 1725, Act 705
- HB 1044 — Pages 1029, 1350, 1608, 1728, Act 706
- HB 1046 — Pages 1153, 1355, 1623, 1732, Act 718
- HB 1048 — Pages 1075, 1350, 1608
- HB 1049 — Page 1019
- HB 1050 — Pages 1075, 1356, 1627, 1653, 1720, 1780, Act 726
- HB 1051 — Pages 1076, 1351, 1612, 1722, 1781, Act 727
- HB 1053 — Pages 1075, 1351, 1612, 1730, Act 719
- HB 1054 — Pages 1238, 1351, 1611, 1730, Act 816
- HB 1058 — Page 1076
- HB 1059 — Pages 1077, 1358, 1633, 1741, Act 720
- HB 1061 — Pages 1238, 1351, 1611, 1730, Act 842
- HB 1063 — Pages 1184, 1591, 1769, 1820, Act 862
- HB 1064 — Page 1239
- HB 1072 — Pages 1153, 1355, 1625, 1732, Act 721
- HB 1073 — Pages 1153, 1350, 1611, 1730, Act 722
- HB 1074 — Pages 1154, 1349, 1606, 1727, Act 838
- HB 1075 — Pages 1182, 1592, 1770, 1821, Act 863
- HB 1076 — Pages 1182, 1355, 1625, 1732, Act 723
- HB 1077 — Pages 1182, 1349, 1606, 1724, Act 707
- HB 1078 — Pages 1183, 1348, 1603, 1727, Act 708
- HB 1079 — Pages 1183, 1347, 1603, 1727, Act 709

- HB 1080 — Pages 1183, 1349, 1607, 1728, Act 710  
HB 1081 — Page 1183  
HB 1087 — Pages 1238, 1588, 1752, 1962, 1962, Act 739  
HB 1088 — Page 1238  
HB 1090 — Pages 1239, 1348, 1604, 1724, Act 711  
HB 1091 — Pages 1269, 1349, 1607, 1728, Act 712  
HB 1092 — Pages 1269, 1349, 1608, 1728, Act 839  
HB 1094 — Pages 1239, 1359, 1633, 1742, Act 844  
HB 1095 — Pages 1240, 1359, 1633, 1741, Act 845  
HB 1098 — Pages 1269, 1348, 1603, 1724, Act 846  
HB 1099 — Pages 1573, 1588, 1754, 1820, Act 864  
HB 1100 — Pages 1573, 1591, 1769, 1819, Act 865  
HB 1101 — Pages 1269, 1348, 1617, 1675, 1963, 1987, Act 742  
HB 1102 — Pages 1270, 1591, 1768, 1819, Act 866  
HB 1103 — Pages 1270, 1355, 1624, 1732, Act 638  
HB 1104 — Pages 1270, 1355, 1624, 1732, Act 639  
HB 1106 — Pages 1270, 1357, 1629, 1739, Act 640  
HB 1107 — Pages 1270, 1355, 1625, 1732, Act 641  
HB 1109 — Pages 1572, 1588, 1753, 1820, Act 868  
HB 1110 — Pages 1271, 1358, 1632, 1740, Act 642  
HB 1111 — Pages 1254, 1358, 1632, 1740, Act 643  
HB 1112 — Pages 1254, 1355, 1624, 1732, Act 644  
HB 1114 — Pages 1256, 1590, 1768, 1819, Act 818  
HB 1115 — Page 1256  
HB 1116 — Pages 1257, 1349, 1607, 1728, Act 609  
HB 1117 — Pages 1279, 1348, 1604, 1724, Act 614  
HB 1118 — Pages 1280, 1351, 1613, 1730, Act 645  
HB 1119 — Pages 1280, 1356, 1628, 1733, Act 646  
HB 1120 — Pages 1279, 1349, 1605, 1724, Act 611  
HB 1121 — Pages 1281, 1588, 1753, 1820, Act 869  
HB 1122 — Pages 1281, 1588, 1754, 1820, Act 870  
HB 1125 — Page 1572  
HB 1126 — Pages 1255, 1358, 1631, 1740, Act 647  
HB 1128 — Pages 1255, 1356, 1628, 1733, Act 648  
HB 1135 — Pages 1255, 1588, 1754, 1820, Act 871  
HB 1136 — Pages 1572, 1592, 1771, 1821, Act 872  
HB 1138 — Pages 1281, 1589, 1755, 1818, Act 873  
HB 1139 — Pages 1282, 1587, 1750, 1962, 1963, Act 740  
HB 1141 — Pages 1255, 1348, 1604, 1724, Act 612  
HB 1142 — Pages 1256, 1357, 1629, 1733  
HB 1143 — Pages 1255, 1349, 1605, 1724, Act 613  
HB 1144 — Pages 1256, 1356, 1626, 1733, Act 649  
HB 1145 — Pages 1315, 1349, 1605, 1724  
HB 1146 — Pages 1316, 1356, 1626, 1733, Act 650  
HB 1147 — Pages 1315, 1349, 1606, 1724  
HB 1148 — Pages 1566, 1589, 1756, 1962, 1963, Act 741

- HB 1149 — Pages 1566, 1589, 1756, 1818, Act 874**
- HB 1150 — Pages 1567, 1589, 1756, 1818, Act 736**
- HB 1151 — Pages 1279, 1356, 1625, 1733, Act 651**
- HB 1156 — Pages 1567, 1590, 1768, 1819, Act 875**
- HB 1157 — Pages 1582, 1589, 1766, 1818, Act 737**
- HB 1159 — Pages 1566, 1590, 1767, 1971**
- HB 1161 — Page 1570**
- HB 1164 — Pages 1567, 1590, 1766, 1819, Act 876**
- HB 1165 — Pages 1567, 1587, 1748, 1819, Act 877**

**ACT INDEX**  
**1978 REGULAR SESSION**

|                      |                      |
|----------------------|----------------------|
| Act No. 1 — HJR 2    | Act No. 41 — HJR 113 |
| Act No. 2 — HJR 3    | Act No. 42 — HJR 114 |
| Act No. 3 — HJR 39   | Act No. 43 — HJR 115 |
| Act No. 4 — HJR 31   | Act No. 44 — HJR 118 |
| Act No. 5 — SJR 32   | Act No. 45 — HJR 119 |
| Act No. 6 — SJR 33   | Act No. 46 — HJR 120 |
| Act No. 7 — SJR 34   | Act No. 47 — HJR 121 |
| Act No. 8 — SJR 35   | Act No. 48 — HJR 122 |
| Act No. 9 — SJR 37   | Act No. 49 — HJR 123 |
| Act No. 10 — SJR 39  | Act No. 50 — HJR 125 |
| Act No. 11 — SJR 48  | Act No. 51 — HJR 126 |
| Act No. 12 — SJR 49  | Act No. 52 — HJR 127 |
| Act No. 13 — SJR 333 | Act No. 53 — HJR 128 |
| Act No. 14 — SJR 393 | Act No. 54 — HJR 129 |
| Act No. 15 — HJR 36  | Act No. 55 — HJR 130 |
| Act No. 16 — HJR 60  | Act No. 56 — HJR 132 |
| Act No. 17 — HJR 61  | Act No. 57 — HJR 133 |
| Act No. 18 — HB 16   | Act No. 58 — HJR 134 |
| Act No. 19 — HB 227  | Act No. 59 — HJR 136 |
| Act No. 20 — HB 228  | Act No. 60 — HJR 137 |
| Act No. 21 — HB 82   | Act No. 61 — HJR 138 |
| Act No. 22 — HJR 10  | Act No. 62 — HJR 139 |
| Act No. 23 — HJR 13  | Act No. 63 — HJR 140 |
| Act No. 24 — HJR 85  | Act No. 64 — HJR 141 |
| Act No. 25 — HJR 422 | Act No. 65 — HJR 142 |
| Act No. 26 — HJR 317 | Act No. 66 — HJR 143 |
| Act No. 27 — HJR 116 | Act No. 67 — HJR 144 |
| Act No. 28 — HJR 117 | Act No. 68 — HJR 145 |
| Act No. 29 — HJR 131 | Act No. 69 — HJR 146 |
| Act No. 30 — HJR 149 | Act No. 70 — HJR 147 |
| Act No. 31 — HJR 151 | Act No. 71 — HJR 148 |
| Act No. 32 — HJR 186 | Act No. 72 — HJR 150 |
| Act No. 33 — HJR 194 | Act No. 73 — HJR 152 |
| Act No. 34 — HJR 215 | Act No. 74 — HJR 153 |
| Act No. 35 — HJR 224 | Act No. 75 — HJR 154 |
| Act No. 36 — HJR 228 | Act No. 76 — HJR 155 |
| Act No. 37 — HJR 243 | Act No. 77 — HJR 156 |
| Act No. 38 — HJR 110 | Act No. 78 — HJR 157 |
| Act No. 39 — HJR 111 | Act No. 79 — HJR 158 |
| Act No. 40 — HJR 112 | Act No. 80 — HJR 159 |

Act No. 81 — HJR 160  
Act No. 82 — HJR 161  
Act No. 83 — HJR 162  
Act No. 84 — HJR 163  
Act No. 85 — HJR 164  
Act No. 86 — HJR 165  
Act No. 87 — HJR 166  
Act No. 88 — HJR 167  
Act No. 89 — HJR 168  
Act No. 90 — HJR 169  
Act No. 91 — HJR 170  
Act No. 92 — HJR 171  
Act No. 93 — HJR 172  
Act No. 94 — HJR 173  
Act No. 95 — HJR 174  
Act No. 96 — HB 431  
Act No. 97 — SB 204  
Act No. 98 — SJR 143  
Act No. 99 — SJR 288  
Act No. 100 — SJR 289  
Act No. 101 — SJR 290  
Act No. 102 — SJR 291  
Act No. 103 — SJR 292  
Act No. 104 — SJR 293  
Act No. 105 — SJR 294  
Act No. 106 — SJR 295  
Act No. 107 — SJR 296  
Act No. 108 — SJR 297  
Act No. 109 — SJR 298  
Act No. 110 — SJR 299  
Act No. 111 — SJR 300  
Act No. 112 — SJR 301  
Act No. 113 — SJR 302  
Act No. 114 — SJR 303  
Act No. 115 — SJR 323  
Act No. 116 — SJR 326  
Act No. 117 — SJR 356  
Act No. 118 — SJR 29  
Act No. 119 — SJR 366  
Act No. 120 — SJR 368  
Act No. 121 — HJR 408  
Act No. 122 — HJR 82

Act No. 123 — HJR 431  
Act No. 124 — HJR 427  
Act No. 125 — HJR 19  
Act No. 126 — HJR 62  
Act No. 127 — HJR 86  
Act No. 128 — HJR 389  
Act No. 129 — HJR 397  
Act No. 130 — HJR 398  
Act No. 131 — HJR 409  
Act No. 132 — HJR 412  
Act No. 133 — HJR 439  
Act No. 134 — HJR 440  
Act No. 135 — HJR 441  
Act No. 136 — HJR 442  
Act No. 137 — HJR 175  
Act No. 138 — HJR 176  
Act No. 139 — HJR 177  
Act No. 140 — HJR 178  
Act No. 141 — HJR 179  
Act No. 142 — HJR 180  
Act No. 143 — HJR 181  
Act No. 144 — HJR 182  
Act No. 145 — HJR 183  
Act No. 146 — HJR 184  
Act No. 147 — HJR 185  
Act No. 148 — HJR 187  
Act No. 149 — HJR 188  
Act No. 150 — HJR 189  
Act No. 151 — HJR 190  
Act No. 152 — HJR 191  
Act No. 153 — HJR 192  
Act No. 154 — HJR 193  
Act No. 155 — HJR 195  
Act No. 156 — HJR 196  
Act No. 157 — HJR 197  
Act No. 158 — HJR 198  
Act No. 159 — HJR 199  
Act No. 160 — HJR 200  
Act No. 161 — HJR 201  
Act No. 162 — HJR 202  
Act No. 163 — HJR 203  
Act No. 164 — HJR 204

Act No. 165 — HJR 205  
Act No. 166 — HJR 206  
Act No. 167 — HJR 207  
Act No. 168 — HJR 208  
Act No. 169 — HJR 209  
Act No. 170 — HJR 210  
Act No. 171 — HJR 211  
Act No. 172 — HJR 212  
Act No. 173 — HJR 213  
Act No. 174 — HJR 214  
Act No. 175 — HJR 216  
Act No. 176 — HJR 217  
Act No. 177 — HJR 218  
Act No. 178 — HJR 219  
Act No. 179 — HJR 220  
Act No. 180 — HJR 221  
Act No. 181 — HJR 222  
Act No. 182 — HJR 223  
Act No. 183 — HJR 225  
Act No. 184 — HJR 226  
Act No. 185 — HJR 227  
Act No. 186 — HJR 229  
Act No. 187 — HJR 230  
Act No. 188 — HJR 231  
Act No. 189 — HJR 232  
Act No. 190 — HJR 233  
Act No. 191 — HJR 234  
Act No. 192 — HJR 235  
Act No. 193 — HJR 236  
Act No. 194 — HJR 237  
Act No. 195 — HJR 238  
Act No. 196 — HJR 239  
Act No. 197 — HJR 240  
Act No. 198 — HJR 241  
Act No. 199 — HJR 242  
Act No. 200 — HJR 244  
Act No. 201 — HJR 245  
Act No. 202 — HJR 246  
Act No. 203 — HJR 247  
Act No. 204 — HJR 248  
Act No. 205 — HJR 249  
Act No. 206 — HJR 266

Act No. 207 — HJR 267  
Act No. 208 — HJR 268  
Act No. 209 — HJR 269  
Act No. 210 — HJR 270  
Act No. 211 — HJR 271  
Act No. 212 — HJR 272  
Act No. 213 — HJR 273  
Act No. 214 — HJR 274  
Act No. 215 — HJR 275  
Act No. 216 — HJR 276  
Act No. 217 — HJR 277  
Act No. 218 — HJR 278  
Act No. 219 — HJR 279  
Act No. 220 — HJR 280  
Act No. 221 — HJR 281  
Act No. 222 — HJR 282  
Act No. 223 — HJR 283  
Act No. 224 — HJR 284  
Act No. 225 — HJR 286  
Act No. 226 — HJR 288  
Act No. 227 — HJR 289  
Act No. 228 — HJR 290  
Act No. 229 — HJR 291  
Act No. 230 — HJR 292  
Act No. 231 — HJR 293  
Act No. 232 — HJR 294  
Act No. 233 — HJR 295  
Act No. 234 — HJR 296  
Act No. 235 — HJR 299  
Act No. 236 — HJR 300  
Act No. 237 — HJR 301  
Act No. 238 — HJR 302  
Act No. 239 — HJR 303  
Act No. 240 — HJR 304  
Act No. 241 — HJR 305  
Act No. 242 — HJR 306  
Act No. 243 — HJR 307  
Act No. 244 — HJR 308  
Act No. 245 — HJR 309  
Act No. 246 — HJR 310  
Act No. 247 — HJR 311  
Act No. 248 — HJR 312

Act No. 249 — HJR 313  
Act No. 250 — HJR 314  
Act No. 251 — HJR 315  
Act No. 252 — HJR 316  
Act No. 253 — HJR 318  
Act No. 254 — HJR 319  
Act No. 255 — HB 159  
Act No. 256 — HB 242  
Act No. 257 — HB 104  
Act No. 258 — HB 312  
Act No. 259 — HB 313  
Act No. 260 — HB 316  
Act No. 261 — HB 317  
Act No. 262 — HB 353  
Act No. 263 — HB 387  
Act No. 264 — HB 413  
Act No. 265 — HJR 320  
Act No. 266 — HJR 321  
Act No. 267 — HJR 322  
Act No. 268 — HJR 323  
Act No. 269 — HJR 324  
Act No. 270 — HJR 325  
Act No. 271 — HJR 326  
Act No. 272 — HJR 327  
Act No. 273 — HJR 328  
Act No. 274 — HJR 329  
Act No. 275 — HJR 330  
Act No. 276 — HJR 331  
Act No. 277 — HJR 333  
Act No. 278 — HJR 334  
Act No. 279 — HJR 335  
Act No. 280 — HJR 336  
Act No. 281 — HJR 337  
Act No. 282 — HJR 338  
Act No. 283 — HJR 339  
Act No. 284 — HJR 340  
Act No. 285 — HJR 341  
Act No. 286 — HJR 342  
Act No. 287 — HJR 343  
Act No. 288 — HJR 344  
Act No. 289 — HJR 345  
Act No. 290 — HJR 346

Act No. 291 — HJR 347  
Act No. 292 — HJR 348  
Act No. 293 — HJR 349  
Act No. 294 — HJR 350  
Act No. 295 — HJR 351  
Act No. 296 — HJR 352  
Act No. 297 — HJR 353  
Act No. 298 — HJR 354  
Act No. 299 — HJR 355  
Act No. 300 — HJR 356  
Act No. 301 — HJR 357  
Act No. 302 — HJR 358  
Act No. 303 — HJR 359  
Act No. 304 — HJR 360  
Act No. 305 — HJR 361  
Act No. 306 — HJR 362  
Act No. 307 — HJR 363  
Act No. 308 — HJR 364  
Act No. 309 — HJR 365  
Act No. 310 — HJR 366  
Act No. 311 — HJR 368  
Act No. 312 — HJR 369  
Act No. 313 — HJR 370  
Act No. 314 — HJR 371  
Act No. 315 — HJR 372  
Act No. 316 — HJR 373  
Act No. 317 — HJR 374  
Act No. 318 — HJR 375  
Act No. 319 — HJR 376  
Act No. 320 — HJR 377  
Act No. 321 — HJR 378  
Act No. 322 — HJR 379  
Act No. 323 — HJR 380  
Act No. 324 — HJR 381  
Act No. 325 — HJR 382  
Act No. 326 — HJR 383  
Act No. 327 — HJR 384  
Act No. 328 — HJR 385  
Act No. 329 — HJR 386  
Act No. 330 — HJR 387  
Act No. 331 — HJR 388  
Act No. 332 — HJR 124

Act No. 333 — HJR 298  
Act No. 334 — HJR 332  
Act No. 335 — HJR 135  
Act No. 336 — SJR 331  
Act No. 337 — SJR 336  
Act No. 338 — SJR 340  
Act No. 339 — SJR 342  
Act No. 340 — SJR 344  
Act No. 341 — SJR 346  
Act No. 342 — SJR 352  
Act No. 343 — SJR 358  
Act No. 344 — SJR 364  
Act No. 345 — SJR 365  
Act No. 346 — SJR 367  
Act No. 347 — SJR 369  
Act No. 348 — HB 113  
Act No. 349 — HB 115  
Act No. 350 — HB 300  
Act No. 351 — HB 364  
Act No. 352 — HB 424  
Act No. 353 — HB 449  
Act No. 353 — HJR 449  
Act No. 354 — HJR 517  
Act No. 355 — HJR 518  
Act No. 356 — HJR 484  
Act No. 357 — HJR 485  
Act No. 358 — HJR 486  
Act No. 359 — SB 356  
Act No. 360 — HJR 438  
Act No. 361 — SB 567  
Act No. 362 — SB 600  
Act No. 363 — SB 379  
Act No. 364 — SB 381  
Act No. 365 — SB 382  
Act No. 366 — SB 472  
Act No. 367 — SB 473  
Act No. 368 — HB 94  
Act No. 369 — HB 105  
Act No. 370 — HB 218  
Act No. 371 — HJR 17  
Act No. 372 — HJR 94  
Act No. 373 — HJR 18

Act No. 374 — HJR 52  
Act No. 375 — SB 642  
Act No. 376 — HB 919  
Act No. 377 — SB 182  
Act No. 378 — SB 547  
Act No. 379 — HB 318  
Act No. 380 — HB 854  
Act No. 381 — SB 527  
Act No. 382 — HB 770  
Act No. 383 — SB 98  
Act No. 384 — HB 823  
Act No. 385 — HB 825  
Act No. 386 — HB 502  
Act No. 387 — HB 822  
Act No. 388 — HB 979  
Act No. 389 — SB 336  
Act No. 390 — SB 337  
Act No. 391 — SB 338  
Act No. 392 — SB 465  
Act No. 393 — SB 471  
Act No. 394 — SB 491  
Act No. 395 — SB 572  
Act No. 396 — HB 158  
Act No. 397 — HB 547  
Act No. 398 — HB 548  
Act No. 399 — HB 642  
Act No. 400 — HB 732  
Act No. 401 — HB 810  
Act No. 402 — HB 811  
Act No. 403 — HB 867  
Act No. 404 — HB 896  
Act No. 405 — SB 593  
Act No. 406 — SB 691  
Act No. 407 — SB 667  
Act No. 408 — SB 689  
Act No. 409 — HB 61  
Act No. 410 — HB 160  
Act No. 411 — HB 585  
Act No. 412 — HB 663  
Act No. 413 — HB 630  
Act No. 414 — HB 744  
Act No. 415 — HB 745



|                       |                       |
|-----------------------|-----------------------|
| Act No. 416 — HB 768  | Act No. 458 — SJR 377 |
| Act No. 417 — HB 794  | Act No. 459 — SJR 36  |
| Act No. 418 — HB 808  | Act No. 460 — SJR 38  |
| Act No. 419 — HB 821  | Act No. 461 — SJR 330 |
| Act No. 420 — HB 826  | Act No. 462 — SJR 350 |
| Act No. 421 — HB 827  | Act No. 463 — SJR 402 |
| Act No. 422 — HB 832  | Act No. 464 — SJR 412 |
| Act No. 423 — HB 838  | Act No. 465 — HB 885  |
| Act No. 424 — HB 839  | Act No. 466 — HB 886  |
| Act No. 425 — HB 851  | Act No. 467 — HB 887  |
| Act No. 426 — HB 897  | Act No. 468 — SB 451  |
| Act No. 427 — HB 902  | Act No. 469 — SB 181  |
| Act No. 428 — HB 903  | Act No. 470 — HB 944  |
| Act No. 429 — HB 906  | Act No. 471 — HB 714  |
| Act No. 430 — HB 927  | Act No. 472 — HB 705  |
| Act No. 431 — HB 937  | Act No. 473 — HB 805  |
| Act No. 432 — HB 942  | Act No. 474 — HB 819  |
| Act No. 433 — HB 945  | Act No. 475 — HB 894  |
| Act No. 434 — SB 257  | Act No. 476 — SB 346  |
| Act No. 435 — HB 138  | Act No. 477 — SB 579  |
| Act No. 436 — HB 982  | Act No. 478 — SB 605  |
| Act No. 437 — HB 1014 | Act No. 479 — SB 618  |
| Act No. 438 — HB 1026 | Act No. 480 — SB 623  |
| Act No. 439 — SB 640  | Act No. 481 — SB 624  |
| Act No. 440 — HB 981  | Act No. 482 — SB 703  |
| Act No. 441 — HJR 467 | Act No. 483 — HB 494  |
| Act No. 442 — HJR 520 | Act No. 484 — HB 589  |
| Act No. 443 — SJR 415 | Act No. 485 — HB 621  |
| Act No. 444 — HJR 392 | Act No. 486 — HB 702  |
| Act No. 445 — HJR 571 | Act No. 487 — HB 704  |
| Act No. 446 — HJR 555 | Act No. 488 — HB 706  |
| Act No. 447 — HJR 107 | Act No. 489 — HB 707  |
| Act No. 448 — HJR 446 | Act No. 490 — HB 737  |
| Act No. 449 — HJR 455 | Act No. 491 — HB 778  |
| Act No. 450 — HJR 456 | Act No. 492 — HB 779  |
| Act No. 451 — HJR 512 | Act No. 493 — HB 904  |
| Act No. 452 — HJR 524 | Act No. 494 — HB 1017 |
| Act No. 453 — HJR 532 | Act No. 495 — HB 1018 |
| Act No. 454 — HJR 549 | Act No. 496 — HB 1019 |
| Act No. 455 — HJR 89  | Act No. 497 — HB 1038 |
| Act No. 456 — HJR 516 | Act No. 498 — HB 758  |
| Act No. 457 — SJR 21  | Act No. 499 — HB 901  |

Act No. 500 — HB 946  
Act No. 501 — HB 985  
Act No. 502 — HB 986  
Act No. 503 — HB 1005  
Act No. 504 — SB 253  
Act No. 505 — SB 539  
Act No. 506 — SB 599  
Act No. 507 — SB 602  
Act No. 508 — SB 676  
Act No. 509 — SB 677  
Act No. 510 — SB 711  
Act No. 511 — SB 723  
Act No. 512 — SB 726  
Act No. 513 — SB 727  
Act No. 514 — SB 728  
Act No. 515 — SB 370  
Act No. 516 — HB 188  
Act No. 517 — HB 304  
Act No. 518 — HB 384  
Act No. 519 — HB 522  
Act No. 520 — HB 541  
Act No. 521 — HB 767  
Act No. 522 — HB 994  
Act No. 523 — SB 93  
Act No. 524 — SB 94  
Act No. 525 — SB 497  
Act No. 526 — SB 576  
Act No. 527 — SB 581  
Act No. 528 — SB 582  
Act No. 529 — SB 583  
Act No. 530 — SB 613  
Act No. 531 — SB 704  
Act No. 532 — SB 713  
Act No. 533 — SJR 422  
Act No. 534 — SB 113  
Act No. 535 — SB 144  
Act No. 536 — SB 314  
Act No. 537 — SB 344  
Act No. 538 — SB 367  
Act No. 539 — SB 424  
Act No. 540 — SB 425  
Act No. 541 — SB 469

Act No. 542 — SB 490  
Act No. 543 — SB 554  
Act No. 544 — SB 580  
Act No. 545 — SB 586  
Act No. 546 — SB 614  
Act No. 547 — SB 615  
Act No. 548 — SB 616  
Act No. 549 — SB 629  
Act No. 550 — SB 700  
Act No. 551 — SB 710  
Act No. 552 — SB 748  
Act No. 553 — SB 774  
Act No. 554 — HJR 53  
Act No. 555 — HJR 77  
Act No. 556 — HJR 96  
Act No. 557 — HJR 97  
Act No. 558 — HJR 402  
Act No. 559 — HJR 417  
Act No. 560 — HJR 428  
Act No. 561 — HJR 481  
Act No. 562 — HJR 482  
Act No. 563 — HJR 488  
Act No. 564 — HJR 534  
Act No. 565 — HJR 585  
Act No. 566 — HJR 586  
Act No. 567 — HJR 587  
Act No. 568 — HJR 20  
Act No. 569 — HJR 83  
Act No. 570 — HJR 84  
Act No. 571 — HJR 403  
Act No. 572 — HJR 519  
Act No. 573 — HJR 575  
Act No. 574 — HJR 591  
Act No. 575 — HJR 592  
Act No. 576 — HJR 602  
Act No. 577 — HJR 637  
Act No. 578 — HB 150  
Act No. 579 — HB 332  
Act No. 580 — HB 333  
Act No. 581 — HB 334  
Act No. 582 — HB 335  
Act No. 583 — HB 336

Act No. 584 — HB 426  
Act No. 585 — SB 160  
Act No. 586 — SB 223  
Act No. 587 — SB 659  
Act No. 588 — SB 660  
Act No. 589 — HB 54  
Act No. 590 — HB 179  
Act No. 591 — HB 152  
Act No. 592 — HB 11  
Act No. 593 — HB 170  
Act No. 594 — HB 308  
Act No. 595 — SB 741  
Act No. 596 — HB 824  
Act No. 597 — HB 244  
Act No. 598 — HB 87  
Act No. 599 — HB 119  
Act No. 600 — HB 291  
Act No. 601 — HB 688  
Act No. 602 — HB 746  
Act No. 603 — HB 781  
Act No. 604 — HB 818  
Act No. 605 — HB 895  
Act No. 606 — HB 900  
Act No. 607 — HB 923  
Act No. 608 — HB 949  
Act No. 609 — HB 1116  
Act No. 610 — HB 987  
Act No. 611 — HB 1120  
Act No. 612 — HB 1141  
Act No. 613 — HB 1143  
Act No. 614 — HB 1117  
Act No. 615 — HB 331  
Act No. 616 — HB 173  
Act No. 617 — HB 184  
Act No. 618 — HB 217  
Act No. 619 — HB 443  
Act No. 620 — HB 711  
Act No. 621 — HB 785  
Act No. 622 — HB 812  
Act No. 623 — HB 813  
Act No. 624 — HB 814  
Act No. 625 — HB 828

Act No. 626 — HB 837  
Act No. 627 — HB 856  
Act No. 628 — HB 882  
Act No. 629 — HB 898  
Act No. 630 — HB 941  
Act No. 631 — HB 948  
Act No. 632 — HB 952  
Act No. 633 — HB 969  
Act No. 634 — HB 970  
Act No. 635 — HB 976  
Act No. 636 — HB 977  
Act No. 637 — HB 996  
Act No. 638 — HB 1103  
Act No. 639 — HB 1104  
Act No. 640 — HB 1106  
Act No. 641 — HB 1107  
Act No. 642 — HB 1110  
Act No. 643 — HB 1111  
Act No. 644 — HB 1112  
Act No. 645 — HB 1118  
Act No. 646 — HB 1119  
Act No. 647 — HB 1126  
Act No. 648 — HB 1128  
Act No. 649 — HB 1144  
Act No. 650 — HB 1146  
Act No. 651 — HB 1151  
Act No. 652 — SB 562  
Act No. 653 — HB 1  
Act No. 654 — HB 13  
Act No. 655 — HB 234  
Act No. 656 — HB 375  
Act No. 657 — HB 631  
Act No. 658 — HB 633  
Act No. 659 — HB 651  
Act No. 660 — HB 978  
Act No. 661 — HB 990  
Act No. 662 — SB 556  
Act No. 663 — SJR 433  
Act No. 664 — SB 11  
Act No. 665 — SB 37  
Act No. 666 — SB 71  
Act No. 667 — SB 234

Act No. 668 — SB 235  
Act No. 669 — SB 202  
Act No. 670 — SB 207  
Act No. 671 — SB 282  
Act No. 672 — SB 335  
Act No. 673 — SB 458  
Act No. 674 — SB 674  
Act No. 675 — SB 203  
Act No. 676 — SB 248  
Act No. 677 — SB 496  
Act No. 678 — SB 558  
Act No. 679 — SB 601  
Act No. 680 — SJR 381  
Act No. 681 — SJR 382  
Act No. 682 — SJR 386  
Act No. 683 — SJR 393  
Act No. 684 — SJR 395  
Act No. 685 — SJR 396  
Act No. 686 — SJR 397  
Act No. 687 — SJR 401  
Act No. 688 — SJR 413  
Act No. 689 — SJR 459  
Act No. 690 — SJR 462  
Act No. 691 — SB 107  
Act No. 692 — HB 950  
Act No. 693 — HB 1002  
Act No. 694 — HB 1003  
Act No. 695 — HB 1007  
Act No. 696 — HB 1009  
Act No. 697 — HB 1011  
Act No. 698 — HB 1012  
Act No. 699 — HB 1015  
Act No. 700 — HB 1016  
Act No. 701 — HB 1022  
Act No. 702 — HB 1020  
Act No. 703 — HB 1021  
Act No. 704 — HB 1025  
Act No. 705 — HB 1040  
Act No. 706 — HB 1044  
Act No. 707 — HB 1077  
Act No. 708 — HB 1078  
Act No. 709 — HB 1079

Act No. 710 — HB 1080  
Act No. 711 — HB 1090  
Act No. 712 — HB 1091  
Act No. 713 — HB 947  
Act No. 714 — HB 1001  
Act No. 715 — HB 1023  
Act No. 716 — HB 1024  
Act No. 717 — HB 1033  
Act No. 718 — HB 1046  
Act No. 719 — HB 1053  
Act No. 720 — HB 1059  
Act No. 721 — HB 1072  
Act No. 722 — HB 1073  
Act No. 723 — HB 1076  
Act No. 724 — SB 739  
Act No. 725 — HB 1028  
Act No. 726 — HB 1050  
Act No. 727 — HB 1051  
Act No. 728 — HB 171  
Act No. 729 — HB 645  
Act No. 730 — HB 185  
Act No. 731 — HB 788  
Act No. 732 — HB 793  
Act No. 733 — HB 932  
Act No. 734 — HB 961  
Act No. 735 — HB 964  
Act No. 736 — HB 1150  
Act No. 737 — HB 1157  
Act No. 738 — HB 756  
Act No. 739 — HB 1087  
Act No. 740 — HB 1139  
Act No. 741 — HB 1148  
Act No. 742 — HB 1101  
Act No. 743 — HJR 109  
Act No. 744 — HJR 394  
Act No. 745 — HJR 395  
Act No. 746 — HB 757  
Act No. 747 — HB 486  
Act No. 748 — HJR 396  
Act No. 749 — HJR 529  
Act No. 750 — HJR 557  
Act No. 751 — HJR 560

Act No. 752 — HJR 570  
Act No. 753 — HJR 625  
Act No. 754 — HJR 626  
Act No. 755 — HJR 630  
Act No. 756 — HJR 525  
Act No. 757 — SJR 394  
Act No. 758 — HB 249  
Act No. 759 — HB 442  
Act No. 760 — HB 451  
Act No. 761 — HB 452  
Act No. 762 — HJR 464  
Act No. 763 — HJR 611  
Act No. 764 — HB 123  
Act No. 765 — HB 480  
Act No. 766 — HB 769  
Act No. 767 — HB 772  
Act No. 768 — HB 773  
Act No. 769 — HB 774  
Act No. 770 — HB 10  
Act No. 771 — HB 137  
Act No. 772 — HB 147  
Act No. 773 — HB 327  
Act No. 774 — HB 363  
Act No. 775 — HB 435  
Act No. 776 — HB 484  
Act No. 777 — HB 652  
Act No. 778 — SB 208  
Act No. 779 — SB 243  
Act No. 780 — SB 221  
Act No. 781 — HJR 614  
Act No. 782 — HB 883  
Act No. 783 — HJR 468  
Act No. 784 — HJR 528  
Act No. 785 — HJR 536  
Act No. 786 — HJR 541  
Act No. 787 — HJR 576  
Act No. 788 — HJR 601  
Act No. 789 — HJR 610  
Act No. 790 — HJR 629  
Act No. 791 — HJR 612  
Act No. 792 — HJR 38  
Act No. 793 — HJR 55

Act No. 794 — HJR 56  
Act No. 795 — HJR 57  
Act No. 796 — HJR 424  
Act No. 797 — HJR 425  
Act No. 798 — HJR 426  
Act No. 799 — HJR 434  
Act No. 800 — HJR 582  
Act No. 801 — HJR 588  
Act No. 802 — HJR 589  
Act No. 803 — HJR 615  
Act No. 804 — SJR 3  
Act No. 805 — SJR 372  
Act No. 806 — SJR 374  
Act No. 807 — SJR 376  
Act No. 808 — SJR 380  
Act No. 809 — SJR 414  
Act No. 810 — SJR 419  
Act No. 811 — SJR 448  
Act No. 812 — SJR 449  
Act No. 813 — SJR 451  
Act No. 814 — SJR 457  
Act No. 815 — SJR 458  
Act No. 816 — HB 1054  
Act No. 817 — SB 24  
Act No. 818 — HB 1114  
Act No. 819 — SB 608  
Act No. 820 — HB 128  
Act No. 821 — SB 35  
Act No. 822 — HB 557  
Act No. 823 — HJR 543  
Act No. 824 — SB 407  
Act No. 825 — HJR 583  
Act No. 826 — SB 767  
Act No. 827 — SB 768  
Act No. 828 — SB 769  
Act No. 829 — SB 770  
Act No. 830 — SB 782  
Act No. 831 — SB 788  
Act No. 832 — SB 791  
Act No. 833 — SB 789  
Act No. 834 — SB 371  
Act No. 835 — SB 738

Act No. 836 — SB 406  
Act No. 837 — SB 169  
Act No. 838 — HB 1074  
Act No. 839 — HB 1092  
Act No. 840 — HB 342  
Act No. 841 — HB 841  
Act No. 842 — HB 1061  
Act No. 843 — HB 980  
Act No. 844 — HB 1094  
Act No. 845 — HB 1095  
Act No. 846 — HB 1098  
Act No. 847 — SB 21  
Act No. 848 — SB 279  
Act No. 849 — SB 487  
Act No. 850 — SB 22  
Act No. 851 — SB 26  
Act No. 852 — SB 83  
Act No. 853 — SB 316  
Act No. 854 — SB 339  
Act No. 855 — SB 345  
Act No. 856 — HB 561  
Act No. 857 — HB 562  
Act No. 858 — HB 730  
Act No. 859 — HB 786  
Act No. 860 — HB 925  
Act No. 861 — HB 933  
Act No. 862 — HB 1063  
Act No. 863 — HB 1075  
Act No. 864 — HB 1099  
Act No. 865 — HB 1100  
Act No. 866 — HB 1102

Act No. 867 — HB 934  
Act No. 868 — HB 1109  
Act No. 869 — HB 1121  
Act No. 870 — HB 1122  
Act No. 871 — HB 1135  
Act No. 872 — HB 1136  
Act No. 873 — HB 1138  
Act No. 874 — HB 1149  
Act No. 875 — HB 1156  
Act No. 876 — HB 1164  
Act No. 877 — HB 1165  
Act No. 878 — HB 935  
Act No. 879 — SB 683  
Act No. 880 — SB 684  
Act No. 881 — SB 690  
Act No. 882 — SB 695  
Act No. 883 — SB 771  
Act No. 884 — SB 696  
Act No. 885 — SB 697  
Act No. 886 — SB 735  
Act No. 887 — SB 740  
Act No. 888 — SB 761  
Act No. 889 — SB 778  
Act No. 890 — SB 779  
Act No. 891 — SB 780  
Act No. 892 — SB 781  
Act No. 893 — SB 772  
Act No. 894 — SB 773  
Act No. 895 — SB 775  
Act No. 896 — SB 776  
Act No. 897 — SB 777